

DISA ACQUISITION REGULATION SUPPLEMENT (DARS)



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(Incorporates DISA ACs 97-1 through 97-34)**

DEFENSE INFORMATION SYSTEMS

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PART 1--FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBPART 1.1—PURPOSE, AUTHORITY, ISSUANCE

1.101 Purpose.

The Defense Information Systems Agency (DISA) Acquisition Regulation Supplement (DARS) establishes uniform DISA policies implementing and supplementing the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), Title 10 of the United States Code (U.S.C.) and other statutory authority, and applicable Department of Defense (DoD) directives and instructions. The DARS is not a “stand alone” document and must be read in conjunction with the preceding guidance.

1.103 Authority.

The DARS is issued by the Director for Acquisition, Logistics, and Facilities (DISA AQ) by authority of the Director, DISA, (DISAI 260-5-1).

1.104 Applicability.

The DARS applies to all acquisitions processed or managed by DISA, except where expressly excluded.

Policies/procedures of non-DISA customers are acceptable as long as they comply with applicable laws and regulations. For example:

Requirements office generated documents (acquisition plans, justifications and approvals, etc.) need not be in the DISA format, contain DISA supplemental information, etc.

DARS policies requiring DISA requirements offices to report to the Director would not be enforced on external customers.

1.105-3 Copies.

Copies of the DARS and associated acquisition policies and procedures are available electronically via the DISA Acquisition Policy and Guidance web site:

<http://www.disa.mil/acq/aqinfo.html>.

SUBPART 1.2—ADMINISTRATION

1.201 Maintenance of the DARS.

All revisions to the DARS will be implemented by a DISA Acquisition Circular (DISA AC) and numbered consecutively beginning with the fiscal year of the latest edition of the DARS and number “01” (e.g., DISA AC 03-01).

1.201-1 The two councils.

(d)(S-90) Submit proposed revisions to the FAR, DFARS, and DARS to DISA AQ12 via the “AQPolicy” Outlook mailbox. The format for providing proposed revisions is located at Appendix E.

(S-91) Submit notification of errors in the DARS such as misspelled words, omitted words or lines, or errors in format to AQ12 via email to the DISA “AQPolicy” Outlook mailbox. The notice may be informal in format but must identify the DARS page, citation, and nature of error.

SUBPART 1.3—AGENCY ACQUISITION REGULATIONS

1.303 Publication and codification.

(a)(i) In accordance with FAR 1.301 and DFARS 201.304, the DARS is not required to be codified in Title 48, Code of Federal Regulations nor approved by USD(AT&L)DPAP. Any revisions to the DARS that would require codification shall comply with aforementioned FAR and DFARS cites.

1.304 Agency control and compliance procedures.

(a)(S-90) All DISA acquisition-related procedures (both mandatory/nonmandatory) that impact the Agency shall be reviewed by DISA AQ12 prior to implementation.

(S-91) These procedures are generally implemented as DISA Acquisition Deskbooks and referenced in the appropriate part in the DARS. Appendix A contains a listing of all current deskbooks. DISA AQ12 facilitates implementation of all DISA Acquisition Deskbooks.

(S-92) All DISA acquisition deskbooks are available electronically at <http://www.disa.mil/acq/deskbooks.html>.

SUBPART 1.4—DEVIATIONS FROM THE FAR

1.402 Policy.

(1) The HCA is the approval authority for individual deviations from FAR, DFARS, or DARS except those listed in DFARS 201.402(1)(i-vi). If the deviation is for a classified program, the Senior Procurement Executive is the approval authority for individual deviations.

(2)(i) Except as provided in DFARS 201.402(2)(ii), individual deviations, other than those in DFARS 201.402(1)(i-vi), must be approved in accordance with the approved DISA Plan for Control of Clauses (Appendix B).

(3) For deviations that require USD(AT&L)DPAP approval (DFARS 201.402(1)), use the format in DFARS 201.402(2). Submit requests for deviation approval through DISA AQ12.

(S-90) Requests for deviations that have a significant effect beyond the internal operating procedures of the agency or have a significant cost or administrative impact on contractors or offerors must be published for public comment in the Federal Register.

(a) Allow sufficient time for the 60-day public comment period, resolution of public comments, review of public comments by the Defense Acquisition Regulations Council and approval by USD(AT&L)DPAP.

(b) The originator of the deviation is responsible for preparing the support package and proposed deviation language.

(c) The originator of the deviation shall prepare the documentation to support any required analysis.

(4) Appendix B contains the approved DISA Clause Control Plan and shall be followed for approval of clauses other than those prescribed in the FAR and DFARS.

SUBPART 1.5—AGENCY AND PUBLIC PARTICIPATION

1.501 Solicitation of agency and public views.

1.501-2 Opportunity for public comments.

(2) DISA comments on proposed or interim rules published for public comment in the Federal Register shall be submitted through DISA AQ12.

SUBPART 1.6—CONTRACTING AUTHORITY AND RESPONSIBILITIES

1.602-2-90 Responsibilities.

(a)(S-90) Policy.

(1) The *Contracting Officer's Representative* (COR) is an authorized representative of the contracting officer who assists with the technical monitoring or administration of a contract. The COR is the technical/administrative liaison between the contractor and the contracting officer.

(2) A *Task Monitor* (TM) is essentially the same as the COR but—

(i) designated in addition to or instead of a COR, when the contracting officer determines necessary,

(ii) performs technical/administrative duties at the task order level under a task order contract, and

(iii) serves as the technical/administrative liaison between the contractor and the COR and/or the contracting officer.

(3) CORs/TMs are the only sanctioned titles for individuals performing the duties and responsibilities under this subpart. Regardless of previous titles used, if you are performing the functions of a COR/TM, the policy under this subpart applies to you. Contracting officers shall only use these titles (COR/TM) in their designation letters. Titles such as "Contracting Officer Technical Representative (COTR)," "Technical Task Monitor (TTM)" and "Functional Area Advisor" are not acceptable and shall not be used in any new designations.

(4) A *Technical Representative* (TR) is distinctly different from a COR. A TR is not authorized to perform contract administration functions and is generally located at a contractor's facility to provide program technical oversight. The acquisition manager (see DARS Part 7 for definition) appoints the TR. See DFARS 242.74 for TR procedures.

(b)(S-91) Qualifications. CORs/TMs shall possess the technical skills required to monitor and administer the specific duties assigned.

(c)(S-92) Mandatory training requirements.

(1) ***Effective 2 August 1999***, the web-based FAI "COR Mentor" course is DISA's designated mandatory course. All CORs/TMs (new or previously appointed) are required to take all 18 duties of this course. ***BEFORE*** taking this course, go to the DISA AQ homepage and review the DISA FAI "COR Mentor" Companion. The DISA Companion is helpful in the registration process and provides information that increases the ability to understand the terms used and questions asked.

(2) CORs/TMs are acquisition officials who require ethics training. *Upon nomination*, DISA CORs/TMs are required to take the web-based DISA Annual Ethics Training course, unless taken within the past year. This course is required annually thereafter. DISA COR/TM supervisors will ensure that the appropriate financial disclosure forms are filled out **annually** and sent to the Office of General Counsel (GC). Note: If you were already appointed a COR/TM and have not taken the DISA web-based Annual Ethics Training course, you are required to take it as soon as possible and annually thereafter.

(3) DISA CORs/TMs must complete appropriate refresher training **annually** to familiarize themselves with developments or changes in acquisition regulations. For DISA CORs/TMs, required annual refresher consists of the following: Completion of any 6 of the 18 duties in the FAI "COR Mentor" course unless otherwise directed by the contracting officer.

(4) Contact the DISA Training and Executive Services Division for further information regarding the courses. DISA CORs/TMs in designated Defense Acquisition Workforce Improvement Act (DAWIA) positions within DISA may contact the Chief, Acquisition Corps and Policy for DAWIA-specific information.

(5) DISA CORs/TMs are responsible for taking all required training. *Before designation* and subsequently as required, the contracting officer must receive certification of all training.

(6) *Before designation* of CORs from non-DISA requirements offices, the contracting officer must obtain certification of all training. External customers may have training requirements for CORs prescribed in their own regulations and/or instructions. Certification of training that meets the external customer's qualifications, experience, and training (course titles and completion dates) for CORs may be acceptable.

(7) Before designation of TMs from non-DISA requirements offices, required training will be at the discretion of the contracting officer. Based on duties assigned to external TMs, the contracting officer will ensure that adequately trained and qualified individuals are designated.

(d)(S-93) Designation. The contracting officer may designate a COR/TM upon the written nomination from the requirements (i.e., customer) office. The authority to designate CORs/TMs may not be further delegated.

(1) The requirements office will provide the contracting officer the nomination as soon as possible but not later than 30 days prior to contract or task order award.

(2) Requirements offices will not send written nominations unless the nominee is qualified in accordance with this subpart. The nomination will identify a primary COR/TM and outline the nominee's technical qualifications, experience, and training information. Copies of training certificates must accompany nominations. Alternate CORs/TMs are discouraged but if nominated, must meet all of the requirements of this subpart (e.g., meet the same training requirements before designation).

(3) *Before designation*, the contracting officer will check the nomination to ensure that the COR/TM meets the requirements of this subpart. If anticipating designating a COR, use the clause required by DFARS 201.602-70 in the solicitation and contract. If anticipating TM designation, the request for proposal for each individual task order must include a statement similar to the COR clause required by DFARS.

(4) The contracting officer's designation letter must identify the information required in DFARS 201.602-2(5) and establish a feedback procedure for keeping aware of significant events concerning contract performance.

(5) Normally, only one COR is needed to monitor/administer a contract and/or one TM to monitor a task order.

(6) Upon designation, the contracting officer will provide the original designation letter to the COR/TM and send copies to the following:

- (i) Contractor
- (ii) Contract Administration Office
- (iii) COR's/TM's Supervisor.

(7) Designation letters must include a signature block for the COR/TM and one for the COR's/TM's supervisor.

(i) The COR/TM signature acknowledges full understanding of duties, responsibilities, and limitations, to include completion of all training requirements. If anything regarding the assigned duties and responsibilities is unclear at the time of designation or thereafter, it is the COR's/TM's responsibility to seek clarification from the contracting officer. The COR/TM shall not sign the designation letter until completion of the required training under this subpart.

(ii) The supervisor's signature acknowledges full understanding, support for, and approval of COR/TM duties, responsibilities and limitations. For DISA CORs/TMs, the supervisor's signature also acknowledges agreeing to address COR/TM duties/responsibilities in job descriptions and creating an additional COR/TM critical element(s), in accordance with DARS 1.602-2-90(d)(1).

(iii) Once the COR/TM and supervisor acknowledge (sign) the designation letter, the COR/TM sends a copy to the contracting officer. The COR/TM places the original designation letter/acknowledgements in the file.

(e)(S-94) COR/TM Duties. (**Note:** Applies to non-DISA CORs/TMs, as determined appropriate by the contracting officer.)

(1) To ensure accountability, DISA COR/TM supervisors shall adequately address COR/TM duties in job descriptions and performance standards. Supervisors will ensure that CORs/TMs include appropriate training requirements under this subpart in Individual Development Plans.

(i) DISA COR/TM supervisors will develop an additional job specific individual critical element(s) and standard(s) and include it on the DISA Performance Workplan and Appraisal (DISA Form 208) relating to the specific duties and responsibilities of the COR/TM. During mid-year review and final evaluation of CORs/TMs, supervisors may obtain input from the contracting officer when necessary.

(ii) Sample COR/TM job specific critical element:

- Adheres to FAR/DFARS/DARS requirements avoiding such things as conflicts of interest, Anti-Deficiency Act violations, and unauthorized commitments. Plans, organizes and works effectively, delivers products and services clearly consistent and compliant with the duties, responsibilities, and limitations outlined in the designation letter. Products and services reflect the appropriate level of technical expertise and skill. Performs effective and proactive technical monitoring and oversight of quality, cost, and schedule of contractor's work and/or deliverables, and keeps contracting officer/specialist informed of progress and problems. Properly documents files. Meets DARS 1.6 training requirements, which include the web-based FAI "COR Mentor" course (18 duties), DISA Annual Ethics Training course and annual refresher--web-based FAI "COR Mentor" course (any 6 of 18 duties).

(2) The contracting officer shall check the administration and performance of the COR/TM on an annual basis, or more often if necessary. Results will be documented in the contract file and a copy sent to the COR's/TM's supervisor. If the contracting officer determines that a COR/TM is not properly monitoring a contract/order, the requirements office may be asked to nominate a replacement.

(3) In most cases, only Government employees may carry out COR/TM duties. A non-Government employee shall not perform duties designated for COR/TM performance nor shall any non-Government employee help in the execution of COR/TM duties.

(4) If designated CORs/TMs leave DISA or change positions and no longer perform the designated duties, the requirements office must notify the contracting officer and nominate replacements. Notification must be far enough in advance to allow time for--

(i) contracting officers to check qualifications, experience and training, and designate a new COR/TM (at least 30 days), and

(ii) if needed, a transition period. For example: Lack of COR/TM assistance without replacement may have a negative impact on the collection and assessment of performance.

(5) CORs/TMs are required to keep well-documented files relating to actions taken in accordance with the designated duties (DFARS 201.602-2). Upon contract completion, CORs/TMs shall contact the contracting officer who will determine to have the COR/TM either provide the contracting officer with the COR/TM contract file, or provide a signed statement annotating that all supplies and/or services were accepted, and the contract is physically complete. If the contracting officer only needs the completion notice, the COR/TM will destroy the COR/TM file.

(6) Upon receipt of COR/TM completion statement, contracting officers shall incorporate the completion statement into the official contract file.

(f)(S-95) Limitation of COR/TM Authority. CORs/TMs duties are set forth in the designation letters. CORs/TMs **do not** have contracting officer authority. In addition to the limitations stated in DFARS 201.602-2, the COR/TM **shall not**—

(1) Act, or fail to act, in any manner that the contractor may construe as an attempt to change the contract terms;

(2) Discuss pending solicitations or other contracts, or make commitments or promises to the contractor relating to award of a contractual action;

(3) Give contractors oral or written direction outside his/her scope of authority;

(4) Interfere with the contractor's personnel practices or dealings with organized labor; or

(5) Further delegate any authority vested in him/her.

(g)(S-96) DITCO HCOs are responsible for developing and keeping a current database of CORs/TMs. At the minimum, the database shall include:

(1) Name and office code of COR/TM;

(2) Date of designation;

(3) Dates of basic and refresher training;

(4) Contract number(s) for contract(s) monitored; and

(5) Task order number(s). Only required for task order(s) monitored by TMs.

1.602-3 Ratification of unauthorized commitments.

(a)(S-90) Definitions.

“Ratifying Official,” as used here means the individual who has the authority to enter into a contractual commitment on behalf of the Agency, or the contracting officer.

“Ratification Approving Official,” as used here means either the Vice Director, DISA (DV), the DISA Head of the Contracting Activity (HCA), or the DISA Head of the Contracting Office, as applicable to the circumstances identified in (b)(2) and (b)(3) below.

(b)(S-91) Policy.

(1) It is DISA's policy that unauthorized commitments be precluded to the maximum extent possible. Only those persons having been issued a warrant to enter into contracting agreements (e.g., contracting officers) may legally obligate the Government to pay for goods and services. Contracting officers, Requiring Officials, Business Managers, and acquisition or operations program/project personnel should work together to understand and apply appropriate contract communications, communicate and ensure requirements are appropriately identified, planned, programmed, funded, contracted for, and managed in a timely manner. If a ratification action is necessary, involved individuals will communicate this fact immediately to their respective contracting officer/contracting activity/contracting office, immediate supervisor, the head of their cognizant organization, and the DISA HCA.

(2) In accordance with the Director's Memo, Alternative Recommendations for Ratification Approval, of 23 October 2002, the Vice Director (DV), DISA, is the ratification-approving official for all unauthorized commitments by DISA personnel above the Simplified Acquisition Threshold. Requests for DV ratification approval shall be submitted through the DISA Director for Acquisition, Logistics, and Facilities (AQ), who is also designated as the DISA HCA. A copy of the request should also be submitted to the DISA GC.

(3) Ratification requests for unauthorized commitments by DISA personnel at or below the Simplified Acquisition Threshold require approval by the DISA HCA (AQ). Ratification requests for unauthorized commitments by non-DISA customers above the Simplified Acquisition Threshold require approval by the DISA HCA; and those actions at or below the Simplified Acquisition Threshold require approval by the respective DISA AQ HCO, with electronic mail (e-mail) notification to the HCA.

(4) Personnel involved in the preparation and processing of ratification request documentation shall review and comply with the "Ratification Checklist of Required Documentation," and process flow charts contained in DARS Appendix D.

(5) The person making the unauthorized commitment initiates the preparation and coordinates the review and processes the ratification request proposal package using the standardized "Request for Approval of Unauthorized Commitment" format, and includes all required content criteria identified in DARS Appendix D to document the request.

(6) The person making the unauthorized commitment, and their supervisor will prepare the Summary Sheet, DISA Form 9, in accordance with the DISA Action Officer's Guide and the guidance provided in DARS Appendix D.

(c)(S-91) The cognizant ratification-approving official will reviews the file, approves, or disapproves the action.

(d)(S-92) Final approval of any ratification action resides with the appropriate ratification-approving official, except as noted below.

(1) For DISA personnel involved in ratification request actions, the individual responsible for making the unauthorized commitment and the cognizant Deputy Director (DD) or Senior Executive Service (SES) representative of the DISA office involved must brief the DISA HCO, the DISA HCA, the DISA GC, and the DISA DV on the circumstances and corrective actions taken to prevent a recurrence prior to final approval of any ratification action when:

(i) The action, regardless of dollar amount, may result in disciplinary or administrative action against the individual making the unauthorized commitment (e.g., in cases of repetitive or egregious violations).

(ii) The action is greater than the Simplified Acquisition Threshold requiring DISA DV ratification approval. In this case the individual responsible and the cognizant DD or SES representative of the DISA office involved must brief the DISA HCA, DISA GC, and DISA DV. The cognizant office DD or SES personnel should contact the DISA HCA to determine if this briefing may be conducted in person, by telephone, or by video-teleconference (VTC).

(iii) The action is at or below the Simplified Acquisition Threshold requiring the DISA HCA ratification approval. In this case the individual responsible and the cognizant DD or SES representative personnel must brief the DISA HCA. The cognizant office DD or SES personnel should contact the DISA HCA to determine if this briefing may be conducted in person, by telephone, or by VTC.

(2) For non-DISA personnel involved in ratification request actions, the individual responsible for making the unauthorized commitment and the head or representative SES personnel of the cognizant activity office involved must brief the applicable DISA HCO or the applicable DISA HCO and the DISA HCA on the circumstances and corrective actions taken prior to final approval of any ratification action when:

(i) The action, regardless of dollar amount, may result in disciplinary or administrative action against the individual making the unauthorized commitment (e.g., in cases of repetitive or egregious violations).

(ii) The action is greater than the Simplified Acquisition Threshold requiring DISA HCA ratification approval. In this case the individual responsible and the head or representative SES personnel of the cognizant activity office involved must brief the DISA HCA. The cognizant office head or SES personnel should contact the DISA HCA to determine if this briefing may be conducted in person, by telephone, or by VTC.

(iii) The action is at or below the Simplified Acquisition Threshold requiring the ratification approval of the applicable DISA HCO. In this case the individual responsible and the head or representative SES personnel of the cognizant activity office involved must brief the applicable DISA HCO. The cognizant office head or SES personnel should contact the applicable DISA HCO to determine if this briefing may be conducted in person, by telephone, or by VTC.

(iv) If the action is at or below the Simplified Acquisition Threshold requiring the ratification approval of the applicable DISA HCO, that HCO will provide a summary report of the action and its disposition to the DISA HCA.

(3) For all DISA and non-DISA ratification request actions at or below the Simplified Acquisition Threshold, the cognizant ratification-approving official (HCA or applicable DISA HCO) will provide a summary report of the action to the DISA DV, or the DISA HCA and the DISA DV, as appropriate, following disposition of the ratification request.

(e)(S-93) If the decision is made not to ratify the unauthorized commitment, the individual making that unauthorized commitment may be held personally liable under Title 31, United States Code. In addition, criminal penalties may be pursued under DoD Directive 7200.1, “Administrative Control of Appropriations,” 4 May 1995. A person who knowingly violates this title “...shall be fined not more than \$5,000.00, imprisoned for not more than two years, or both.” This individual may also face penalties ranging from warnings through suspension and removal. This individual may also face civil prosecution.

(f)(S-94) The HCA will maintain a database of all unauthorized commitments, ratification requests by disa personnel, and by non-disa personnel for disa contracts, and request disposition. Each ratification proposal package should have a unique ratification control number, for each database entry. Each contracting officer and HCO is responsible for ensuring that a copy of the ratification package is placed in the contract file, or if no contract exists yet for the action, keep the package as a separate file in a central location. For each ratification action, HCOs and contracting officers should contact AQ12 to obtain a unique ratification identification number. HCOs and contracting officers shall provide the following criteria for database entry throughout the ratification process. Contracting officers and HCOs are also responsible for ensuring that ratification package information is provided to the HCA, and entered into the database of unauthorized commitments. The database, at a minimum, shall include the following information:

(1) Ratification Control Number – A unique control number assigned by AQ12 for each ratification request package.

(2) Contract Number – The pertinent contract number against which the individual made an unauthorized commitment. If no contract existed at the time that an unauthorized commitment was made, so indicate. If the ratification request was approved and implemented, indicate the resulting, applicable contract number, with appropriate notation to that effect.

(3) Contracting officer/Organization Code/Phone – Enter the appropriate name, organization code, and telephone number of the contracting officer for the pertinent contract involved. If no contract exists, the information should be that of the contracting officer involved in the ratification action.

(4) Date Received – This is the date on which the ratification request package was received and entered into the HCA’s Ratification spreadsheet database.

(5) Customer DISA or Non-DISA – This is self-explanatory. Indicate whether the customer is from DISA or a non-DISA source.

(6) Vendor – Identify the pertinent vendor’s name and location (city and state).

(7) Organization/Office Symbol/Phone Number – This information is for the organization, etc. to which the individual that made the unauthorized commitment belongs, the location (DITCO NCR, DITCO SCOTT, etc.), and the applicable telephone number. The telephone number should be the organization’s administrative or “front” office or the appropriate SES personnel of that organization. If it is a non-DISA customer, indicate the appropriate agency/activity, organization code and telephone number for the organization’s administrative office.

(8) Date of Unauthorized Commitment – The actual date on which the unauthorized commitment was made. Also include any amended unauthorized commitment date(s), if applicable.

(9) Dollar Value – The dollar value of the unauthorized commitment.

(10) Date of Ratification – The date on which the pertinent contract was ratified or the date on which the approved ratification request was implemented.

(11) Description of the Unauthorized Commitment and Ratification Requirement – Self-explanatory.

(12) Reason(s) for Ratification – A simple statement is all that is needed. This is a statement of why the unauthorized commitment was made in the first place or the cause of the subsequent ratification proposal. For example: expired contract; failure to communicate/coordinate requirement between requiring official, contracting officer, and business management office prior to making an agreement with the vendor or prior to the start of the subject work/service; etc.

(13) If Not Ratified, Why Not? – Self-explanatory. If the ratification request was not approved, explain why it was not approved. If the ratification request was approved, leave this field blank.

(14) Type of Preventive Action Taken – Describe the actions taken regarding the individual that made the unauthorized commitment to guard against or prevent recurring unauthorized commitments. For example, indicate what action, e.g., directed to attend impact card training and re-certification, advised the organization’s SES personnel of agency view on ratifications and appropriate procedures, or no action taken to prevent this situation from occurring in the future (and explain why not). Include the organizational title of who directed the action to be taken.

(15) Referral to Investigative Authorities (Yes/No) – Self-explanatory.

(16) Previous Occurrences (Yes/No) – To the knowledge of the contracting officer/contracting official, has there been any previous occurrences of ratification requests submitted by the organization prior to this one?

(17) Ratification Approval Level (HCO, HCA or DV)/Phone Number/Approval Date/Ratifying Official/Phone – Identify the appropriate approval level for the submitted ratification request; the applicable telephone number, the date on which the ratification was approved, the resulting contracting officer responsible for implementing the ratification action on contract, and the contracting officer's telephone number.

1.603 Selection, appointment, and termination of appointment.

1.603-1 General.

The authority in FAR 1.603-1 for selection, appointment, and termination of DISA contracting officers is delegated to the DISA AQ HCA without power of redelegation.

1.603-2 Selection.

As necessary to meet the needs of the Agency, DISA employees may be appointed as contracting officers provided they possess the necessary personal and professional qualifications to handle the additional responsibility and duties that result from such appointment. Each candidate must possess qualifying work experience and be properly certified at their present grade level as set forth below. The standard types of contracting officer appointments are set forth below in Table 1-1.

DISA ACQUISITION REGULATION SUPPLEMENT (DARS)

TABLE 1-1

TYPE OF APPOINTMENT	<u>APPOINTMENT PARAMETERS</u>		<u>MINIMUM QUALIFICATIONS</u>		SF 1402 LIMITATION STATEMENTS
	<u>MAXIMUM \$ AUTHORITY</u>	<u>T4D AUTHORITY</u>	<u>EXPERIENCE</u>	<u>TRAINING</u>	
SAT	\$ 100,000	No	Six Months	CON 101 & CON 237 or DAWIA Level II	1, 2, 3
SAT* * (PURCHASE CARD ONLY)	\$ 100,000	No	Six Months	CON 101 & CON 237 or DAWIA Level II	6, 2, 3
BASIC	\$ 300,000	No	Two Years	DAWIA Level II	1, 2, 3
INTERMEDIATE	\$ 1,000,000	No	Three Years	DAWIA Level II	1, 2, 3
SENIOR	\$10,000,000	No	Five Years	DAWIA Level III	1, 2, 3
UNLIMITED	\$ Unlimited	Yes	Six Years	DAWIA Level III	4
TARIFF CHANGES	\$ Unlimited	No	Six Years	DAWIA Level III	5

TABLE 1-1 FOOTNOTESSTANDARD
LIMITATION

<u>NUMBER</u>	<u>SF 1402 STATEMENT [Entered on the face of the SF 1402]</u>
1.	"Contract authority is limited to \$(insert amount) for any contract action."
2.	"No authority for termination for default is included."
3.	"Termination for convenience authority is limited to the amount of contract authority."
4.	"No limitations."
5.	"Authority is limited to authorizing automated rate changes to Communication Service Authorizations (CSAs) based on tariff changes filed with the appropriate Governmental regulatory body."

6. "Contract authority is limited to single purchase transactions not to exceed \$xxx,xxx (\$100,000 maximum) using the Government-wide commercial purchase card and the limitations contained in DISA Commercial Purchase Card Program Deskbook. Purchase card transactions above the micropurchase threshold (\$2,500) are limited to orders against contracts established under FAR Part 8 procedures or other established Government contracts (i.e., Blanket Purchase Agreements and indefinite delivery contracts)."

1.603-3 Appointment.

(a) Certificates of Appointment (SF 1402) will be sequentially numbered by calendar year. DISA AQ12 will maintain the master contracting officer records and copies of Certificates of Appointment. DISA AQ12 will maintain an electronic contracting officer database on the DITCO Intranet web site and validate the accuracy of the database information at least annually.

(b) Contracting officers must ensure the original SF 1402 is prominently displayed in the immediate work area. The SF 1402 will be made available to company/contractor representatives for viewing upon request.

1.603-3-90 Procedures.

1.603-3-90(a) New appointments.

(1) For each new appointment sought, the HCO will forward the "Application for Appointment as a Contracting Officer" and provide concurrence via email to the AQ12 POC. If the type of appointment being sought and/or the limitations to be placed on the appointment differ from those specified in Table 1-1, rationale must be provided supporting the request for variance.

(2) The "Application for Appointment as a Contracting Officer" must be used to document the education, experience, and training qualifications of the candidate. The following format is provided:

APPLICATION FOR APPOINTMENT AS A CONTRACTING OFFICER**I. IDENTIFICATION.**

- a. Office Code:
- b. Name of Appointee:
- c. Series/Grade or Rank:
- d. Office telephone Number:
- e. Organizational Position Title:
- f. Brief Description of Duties:

II. EDUCATION. Identify any education or special training in accounting, business finance, law, contracts, purchasing, economics, organization and management.

- a. High School Graduate Yes _____ No _____
- b. Number of Years of Successfully Completed
College: _____
Undergraduate Study _____
Major _____ Minor _____
Degree Conferred _____ Date _____

Post Graduate Study _____ Major _____
Degree Conferred _____ Date _____
24 or more Semester Credit Hours in Business-Related
Disciplines _____ Yes _____ No

III. EXPERIENCE. Identify any experience in Government contracting and administration, commercial purchasing or related fields.

- a. Number of Years as full-time Contract Negotiator/Administrator _____
Date(s): _____ Grade: _____
Position: _____ Duties: _____
- b. Number of Years as Supervisory Contract
Negotiator/Administrator _____
- c. Number of Years as Contracting
Officer _____
Date(s): _____
Grade: _____
Position _____ Duties: _____

d. Number of Years of Other Directly Pertinent Experience

IV. TRAINING. Identify satisfactory completion of acquisition requirements reflected in DFARS 201.603-2 and implemented by the Defense Acquisition Workforce Improvement Act (DAWIA).

a. DAWIA Certification Level:

V. NECESSITY FOR APPOINTMENT. (Provide sufficient rationale to justify both the need for appointment and the appointment level).

VI. REQUESTED CONTRACTING OFFICER AUTHORITY AND LIMITATIONS.

(Identify type of authority being requested including maximum dollar authority, and identify any limitations (e.g., no T for D authority).

VII. File verification:

The applicant's information was verified against their personnel file. (State if any information was not verifiable).

VIII. SIGNATURES.

Name of Applicant (Type or Print)

Name of Recommending Official (Type or Print)

Signature of Applicant/Date

Signature of Recommending Official/Date

1.603-3-90(b) Changed appointments.

(1) A changed appointment is an appointment revised to reflect new information on the face of the SF 1402. Such changes may be accomplished at any time based upon the request of an HCO, or if directed by the HCA. A change to an appointment may either be fundamental or administrative in nature. A "fundamental" change represents a change to the scope of the contracting officer's responsibility and authority as reflected by a change to the limitations presented on the face of the SF 1402. Any other change shall normally be viewed as an "administrative" change. Examples of administrative changes are those that correct spelling, punctuation, or any wording on the face of the SF 1402 (e.g., reflecting a name change due to marriage) without changing the force and effect of the appointment.

(i) A fundamental change to an appointment shall be viewed and processed as a new appointment concurrent with termination of the existing appointment. All documentation required to support a new appointment is required to support a fundamental change to an existing appointment.

(ii) Upon written request of an HCO, an administrative change may be accomplished to an existing appointment via simplified procedures tailored to fit the specific need. All administrative changes to an SF 1402 will require approval and issuance of a new SF 1402 by the HCA.

SUBPART 1.90—PROCUREMENT OVERSIGHT

1.9000 Solicitation/contract review.

(a) Legal and policy compliance review and coordination will be obtained prior to release of solicitations, contracts (including letter contracts), orders (including CSAs), modifications, and termination actions expected to exceed an estimated or actual contract value of \$5,000,000.00, including options. Review is not required for funding modifications outlined in FAR 32.703-2, funding program years under multiyear contracting, modifications exercising contract options, pre-priced orders issued against established IDIQ contracts, or contracts or orders for commercial items using the simplified acquisition procedures authorized under the test program set forth at FAR Subpart 13.5. Reviews below this dollar threshold will be accomplished on a case-by-case basis when requested by a contracting officer or AQ management official. Contracting officers should obtain legal review for solicitations, contracts, contract modifications, or orders of any dollar value that may lead to a claim or complex or unusual.

(b) AQS, AQA, AQE, and AQP will normally request policy compliance reviews from the Independent Contract Review Office (AQS1A), and legal reviews from Agency counsel located at DITCO-Scott. AQN will normally request policy compliance reviews from AQ12, and legal reviews from Agency counsel collocated in the NCR.

(c) Contracting officers should allow a minimum of two work days for compliance and legal reviews, and should ensure complete solicitation/contract files, including all supporting documentation, are provided to reviewing officials. In unusual circumstances, required reviews may be delayed (not waived) until after the release of the contractual action with prior written approval from the HCO. The document must provide sufficient justification to support the delay in the review and be retained in the contract file.

1.9001 Procurement management reviews.

(a) DISA AQ12 will establish and maintain an Agency Procurement Management Review (PMR) program. The objective of such program is to evaluate the performance of the Agency's procurement system, including compliance by DISA elements with established acquisition policies and procedures.

(b) DISA AQ12 will --

- (1) Establish and lead the PMR team;
- (2) Be the final decision authority for unresolved issues;
- (3) Issue a draft report allowing sufficient time for comments;
- (4) Consider comments received prior to release of the final report;
- (5) Release the final report after approval by the HCA; and
- (6) Conduct follow-on assist visits as required.

(c) The DISA PMR program is used to assist the HCA and the Vice-Director, DISA, as the Agency Senior Procurement Executive, in evaluating the—

- (1) Performance of the Agency's procurement system, including adequacy of internal management controls and acquisition policies and procedures, and to certify to the Secretary of Defense that the procurement system meets established criteria;
- (2) Training and career development of the procurement workforce;
- (3) Effectiveness of competition or other initiatives;
- (4) Criteria for the designation of contracting officers and their representatives; and
- (5) Ability of the Agency's contracting activities to withstand the scrutiny of external PMRs and other independent reviewers.

PART 2--DEFINITIONS OF WORDS AND TERMS

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SUBPART 2.0-DEFINITIONS

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2.101	Definitions

PART 2--DEFINITIONS OF WORDS AND TERMS

SUBPART 2.0—DEFINITIONS

2.0 Scope of part.

This part defines words and terms used throughout the DARS. Some definitions are located in the affected DARS. For example, see DARS Part 7 for acquisition terms used concerning acquisition planning.

2.101 Definitions.

Acquisition. Acquisition used in this supplement has the same meaning as stated in FAR 2.101. Acquisition begins at the point when agency needs are established and ends with contract closeout.

Acquisition Liaison. Personnel within DISA directorates who are responsible for facilitating the acquisition process and who act as an interface between the requirements office and contracting offices. Responsibilities include assisting in the development of the acquisition packages through the contract administration phase of the acquisition cycle. Go to <http://www.disa.mil/acq/aqinfo.html> for a list of Acquisition Liaisons.

Agency. This term means DISA.

Agency Head. Agency head means the Director, DISA, except where law or regulations specify the Under Secretary of Defense (Acquisition and Technology) or Director of Defense Procurement.

Contracting Activity. This term refers to DISA's contracting organization, the Defense Information Technology Contracting Organization (DITCO).

Contracting Office. This term refers to contracting offices within DITCO (i.e., DITCO-Scott, DITCO-Pacific (PAC), DITCO-Europe (EUR), DITCO-National Capital Region (NCR), DITCO-Alaska). Go to <http://www.ditco.disa.mil/> for detailed descriptions of DISA's contracting offices.

Contract value. For indefinite term telecommunications services contracts (i.e., month-to-month) contract value is the total non-recurring charge (NRC), plus the monthly recurring charge (MRC) times the estimated service life (in months). For definite term contracts, contract value is the total estimated or actual value of the contract. Options shall be included in calculating total contract value.

Purchase Request (PR). The authority to obtain supplies/services on behalf of the requirements office.

Head of the Contracting Activity (HCA).

-Director for Acquisition, Logistics, and Facilities (AQ): HCA for all DISA acquisitions except those contracting duties of HCA delegated to the DISA Vice Director for classified and other sensitive acquisitions under the cognizance of the Special Projects Division, DITCO-NCR.

-Vice Director, DISA: Designated as the Senior Procurement Executive (SPE) for DISA and designated as the HCA for all DISA classified and other sensitive acquisitions under the cognizance of the Special Projects Division, DITCO-NCR.

Head of the Contracting Office (HCO). The Commander or Chief of the AQ contracting field offices at DITCO-Scott (AQSS), DITCO-NCR (AQN), DITCO-Alaska (AQA), DITCO-Pacific (AQP), and DITCO-Europe (AQE).

Requirements Office. This term is synonymous with all DISA requirements codes (e.g., Directorates, DISA-PAC, DISA-EUR, Defense Enterprise Computing Centers (DECCs), Telecommunications Certification Office, etc.).

Senior Procurement Executive (SPE). The DISA SPE is the Vice Director.

PART 3--IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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PART 3--IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

SUBPART 3.1—SAFEGUARDS

3.101 Standards of conduct.

3.101-1 General.

All transactions that involve the expenditure of public funds require Agency personnel to adhere to the highest ethical standards to protect the public trust. DoD Directive 5500.7, Standards of Conduct, and DoD 5500.7-R, Joint Ethics Regulation, provide extensive Departmental guidance governing this area. Agency personnel shall:

(1)(S-90) Avoid any action, whether or not specifically prohibited by statute or regulation that might result in or reasonably be expected to create the appearance of:

- (i) Using public office for private gain;
- (ii) Giving preferential treatment to any person or entity;
- (iii) Impeding Government efficiency or economy;
- (iv) Losing independence or impartiality;
- (v) Making a Government decision outside of official channels; or
- (vi) Adversely affecting the public's confidence in the integrity of the Government.

(2)(S-91) Avoid conduct that favors a particular contractor. Procurement officials (see FAR 3.104-4) shall operate in an impartial and objective manner throughout the acquisition cycle. Contracting officers shall be free from any exertion of influence to award contracts to or place orders with specific contractors. Promptly report any instances of suspected ethics violations, including the exertion of undue influence to the Agency ethics official or other appropriate channel (DoD 5500.7-R, Joint Ethics Regulation, section 10-200).

(3)(S-92) Ensure the existence and practice of adequate controls over the separation of functions. This includes controls to ensure that a single individual performs only one of the following: initiates the requirement; awards the contract or places the order; and receives, inspects, and accepts the supplies or services. If circumstances preclude such restriction, the person who makes the award or places the order shall not also receive, inspect, and accept the supplies or services.

(4)(S-93) All personnel who participate personally and substantially in acquisition or contracting activity are required to fill out a OGE Form 450, Confidential Financial Disclosure Report. This disclosure helps to ensure that personnel working on acquisitions do not have financial conflicts of interest.

(5)(S-94) The disclosure forms are used by the Agency to determine if a conflict exists for those individuals participating in acquisition or contracting activities. During the course of an acquisition or contracting activity, contracting officers shall identify the participating individuals. Contracting officers, using this listing, shall submit a request to the GC for a review of the individuals' financial disclosure forms. If an individual is not an annual filer, then the individual shall be required to file an OGE Form 450. The GC shall work with an individual to resolve any conflicts.

(6)(S-95) A financial conflict of interest while performing acquisition or contracting activities could result in personal criminal liability. Although a Government employee's holdings may not reach the reportable threshold on the OGE 450 or the SF 278, Public Financial Disclosure Report, the law applies to any financial conflict of interest, no matter how small the value.

(7)(S-96) Acquisition or contracting activities include: drafting, reviewing or approving a specification; drafting, reviewing, or approving a statement of work; preparing or issuing a procurement solicitation; preparing or developing a procurement or purchase request; negotiating to establish the price or terms and conditions of a contract or an out-of-scope contract modification; evaluating bids or proposals; selecting sources; conducting negotiations; or reviewing and approving the award of a contract or contract modification, and certification of funds and invoices. 41 U.S.C. 423(p)(3)(A).

(8)(S-97) Aside from an employee's personal holdings there are three other ways in which a Government employee may have a financial conflict of interest. First, the holdings of an employee's spouse, minor child, or general partner are imputed to the employee. Second, service of a Government employee as an officer, director, trustee, general partner or employee in an outside organization could constitute a financial conflict of interest. Third, negotiating or having any arrangement concerning prospective employment may create a financial conflict of interest.

(9)(S-98) Contact the Regulatory/GC's office concerning questions on this issue.

3.104 Procurement integrity.

3.104-4 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

(a) The HCA is delegated the authority to authorize access to sensitive procurement information (e.g., proprietary or source selection information) when necessary for the conduct of the procurement.

(S-90) All DISA personnel who have access to sensitive acquisition information must ensure proper handling of such information in order to maintain the integrity of the acquisition process. Unclassified sensitive acquisition information shall only be distributed on a "need to know" basis.

(S-91) Communications networks such as DISAnet and Internet may be vulnerable to unauthorized access. Accordingly, whenever practicable, avoid the electronic transmission of unclassified sensitive acquisition information via e-mail, LAN, etc., in favor of more secure alternatives.

3.104-6 Ethics advisory opinions regarding prohibitions on a former officials acceptance of compensation from a contractor.

(b) Written request for an advisory opinion shall be submitted to the DISA Designated Agency Ethics Official (DAEO). The ethics advisory opinions shall be maintained in the files of the DAEO issuing the opinions.

3.104-9 Contract clauses.

(c) The designee under FAR 52.203-10, Price or Fee Adjustment for Illegal or Improper Activity, is the DISA GC. Submit requests for determination of violation through the legal counsel for signature signed by the HCA.

3.104-10 Violations or possible violations.

(a)(1) Forward determinations of “no impact,” along with appropriate documentation, through the local legal counsel and the HCO for concurrence/nonconcurrence by the HCA. Upon concurrence, the HCA, in coordination with DISA GC, shall notify the HCO and authorize the contracting officer to proceed with award.

(2) The HCA, in coordination with DISA GC, shall promptly notify the HCO with the reasons for nonconcurrence and shall direct the contracting officer to withhold award.

(b) Prior to submission to the designated official, the local counsel shall recommend as to the appropriate action.

(g) The designee is DISA AQ. Submit all documentation under an appropriate cover sheet marked as follows:

**PROCUREMENT SENSITIVE
REQUIRES SPECIAL HANDLING
DO NOT LEAVE UNATTENDED
SECURE WHEN NOT IN USE**

(S-90) Contractor personnel suspecting a violation of the Procurement Integrity Act are encouraged to contact the contracting officer or the DISA Inspector General with a written allegation containing the elements specified in FAR 3.904.

SUBPART 3.2—CONTRACTOR GRATUITIES TO GOVERNMENT PERSONNEL

3.203 Reporting suspected violations of the gratuities clause.

Report suspected violations through the local counsel and HCO to the DISA GC and the HCA.

3.204 Treatment of Violations.

The designee is the DISA GC.

SUBPART 3.3—REPORTS OF SUSPECTED ANTITRUST VIOLATIONS

3.301 General.

Report suspected antitrust violations through the local counsel and HCO to the DISA GC and the HCA.

SUBPART 3.5—OTHER IMPROPER BUSINESS PRACTICES

3.570 Employment prohibitions on persons convicted of fraud or other DoD contract-related felonies.

3.570-2 Policy.

(b) The Agency designee for waivers is the Vice Director, DISA.

3.570-3 Waiver.

(a) The designee is the Vice Director, DISA.

(a)(S-90) Submit waiver requests through DISA AQ12.

SUBPART 3.6—CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

3.602 Exceptions.

The designee is the HCA.

SUBPART 3.7—VOIDING AND RESCINDING CONTRACTS

The term “designee” in this subpart is the DISA GC.

3.705 Procedures.

(a) Reporting. Report the facts concerning a final conviction for any violation of 18 U.S.C. 201-224 to the DISA GC and the HCA within 10 work days of learning of final conviction. Submit reports through local counsel and the HCO.

SUBPART 3.8—LIMITATIONS ON THE PAYMENT OF FUNDS TO INFLUENCE FEDERAL TRANSACTIONS

3.804 Policy.

(b) Forward copies of contractor disclosures to DISA AQ12, for submission to the Office of the USD(AT&L).

SUBPART 3.9—WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES

3.905 Procedures for investigating complaints.

(b) The designee is the HCA.

3.906 Remedies.

(a) The HCA, based on the report of the Inspector General, and in coordination with the DISA GC, shall recommend the appropriate action to the Director, DISA.

SUBPART 3.90—ETHICS IN THE PROCUREMENT PROCESS

3.9000 General

(a) The Agency ethics official is the DISA General Counsel.

(b) In order to ensure the public trust given to federal employees, it is imperative that Agency personnel not accept any gratuities provided in connection with the performance of official duties (see Section 7 of the Office of Federal Procurement Policy Act [41 U.S.C.423], as amended, and Joint Ethics Regulations (JER), DoD 5500.7-R). The definition of gratuities includes attendance at conferences and contractor demonstrations.

(c) Every attempt should be made by federal employees to preclude the appearance of a potential unfair advantage that may be obtained by a vendor hosting a gathering of mutual interest to Government and industry. In addition, such attendance may appear to create a bias toward the particular vendor's products or create the perception that the training allowed for undue vendor influence over Agency acquisitions. Any attendance at such gatherings must be balanced with the Government's need to become knowledgeable about products and technological developments.

(1) Personnel may participate in gatherings of mutual interest to Government and industry when the host is an industrial, technical, or professional association (not an individual defense contractor or commercial firm), provided that these gatherings have been approved in accordance with 32 CFR Part 237a. Participation in industrial events of national and international interest requires advance approval by the Assistant Secretary of Defense (Public Affairs).

(2) When a determination has been made that attendance at a widely attended gathering is in the interest of the Agency because it shall further Agency programs or operations, an employee may accept an offer of free attendance at all or appropriate parts of the gathering. A gathering is widely attended if it is open to members from throughout a given industry or profession, or if those in attendance represent a range of persons interested in a given matter. Free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, and instruction materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees.

(3) Attendance by personnel at contractor demonstrations must be considered on a case-by-case basis. Permission to attend such gatherings must take into consideration whether the demonstration is available to the general public, as well as whether or not the personnel who wish to attend the demonstration are involved "personally and substantially" in activities relating to a specific procurement. Under normal circumstances, the attendance at a competing contractor's facility is prohibited if the procurement process has begun. A competing contractor, with respect to any procurement of property or services, means any entity legally capable of entering into a contract or subcontract in its own name that is, or is reasonably likely to become, a competitor for or recipient of a contract or subcontract under such procurement, and includes any other person acting on behalf of such an entity; the term also includes the incumbent contractor in the case of a contract modification.

(4) Attendance at vendor-hosted gatherings may also create a need to contact other vendors as to availability of similar demonstrations to allow the Government to obtain a balanced understanding of the market. This contact, along with subsequent attendance at other, similar vendor hosted gatherings, shall enable the Government to obtain a balanced understanding of the market.

(5) If, as a result of a market survey conducted to identify sources, an announcement is placed in the "FedBizOpps" that states that site visits and/or product demonstrations may be conducted with all interested offerors, attendance may be authorized to those potential competing contractors offering such visits and/or demonstrations.

(6) Prior to scheduling any such visit or demonstration as enumerated in the foregoing paragraphs, it must be coordinated with the activity's legal counsel and the cognizant contracting officer. Coordination with the legal counsel and the contracting office should occur at the earliest possible point of the planning stage to preclude unnecessary efforts by any interested party.

PART 4--ADMINISTRATIVE MATTERS

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SUBPART 4.4-SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

4.403 Responsibilities of contracting officers

PART 4--ADMINISTRATIVE MATTERS

SUBPART 4.1-CONTRACT EXECUTION

4.101 Contracting officer's signature.

(a) Signatures created by electronically scanning an original signature into an electronic picture format (i.e., .bmp, .tif, .jpg, etc.) and then affixed to any document are considered binding and legal signatures.

SUBPART 4.4—SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY

4.403 Responsibilities of contracting officers.

(c)(1) Instructions for filling out DD Forms 254 are provided in the DISA Acquisition Deskbook entitled "Industrial Security Program & DD Form 254, Contract Security Classification Specification, Implementation Guide."

PART 5--PUBLICIZING CONTRACT ACTIONS

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PART 5--PUBLICIZING CONTRACT ACTIONS

5.001 Definitions

Face value is the "reporting amount" required by DFARS 205.303(a)(i). Determine the face value as follows:

- *Contractual actions, including modifications (**other than those discussed below**):* Report the contract price excluding unexercised options when it exceeds \$5M and any subsequent modifications exceeding \$5M.
- *Unfinitized contractual actions:* Report the not-to-exceed (NTE) or ceiling price when it exceeds \$5M. See DFARS 205.303(a)(i)(A) for additional guidance.
- *Indefinite delivery, time and material, labor hour, and similar contractual actions:* Report the maximum amount (contract ceiling price/NTE) excluding unexercised options of the basic contract when it exceeds \$5M. Regardless of value, do not report individual orders or modifications up to the maximum amount of the basic contract. After the maximum amount of the basic contract is reached, report any subsequent orders or modifications exceeding \$5M.
- *Exercising options:* Report the option price when it exceeds \$5M and any subsequent modifications exceeding \$5M.

- *Incrementally funded contractual actions:* Report the contract price (not the obligated amount) excluding unexercised options when it exceeds \$5M. Regardless of value, do not report modifications up to the contract price of the basic contract. After the contract price of the basic contract is reached, report any subsequent modifications exceeding \$5M. Apply this guidance when incrementally funding orders (order amount) or options exercised (option price), etc.
- *Orders against Federal Supply Schedules:* Do not report these actions.

SUBPART 5.3-SYNOPSIS OF CONTRACT AWARDS

5.303-90 Announcement of contract awards.

(a) For contract actions awarded by a DISA contracting officer, regardless of the customer, the **contracting officer** shall prepare a Congressional and Press Notification Report (hereinafter referred to as “Report”) when the face value of a contractual action exceeds \$5M as described under DARS 5.001.

(b) For contract actions awarded by another agency but managed/funded by DISA, the **Program Manager (PM)/Acquisition Manager (AM)** shall prepare a Contract Award Notification (hereinafter referred to as “Notification”) when the face value of a contractual action exceeds \$5M as described under DARS 5.001.

(c) Required format.

-Markings, centered, top/bottom: SOURCE SELECTION INFORMATION—FAR 3.104.

-Do not use abbreviations or acronyms.

-Type the required information in a brief paragraph(s).

(d) Required content. See DFARS 205.303(a)(ii)(D). Contracting officers must comply with all items listed except obvious PM/AM items. PMs/AMs must comply with all items listed and identify themselves as the POC with their name, telephone number, and e-mail address.

(2) Additional DISA items required:

-Specify how competed (full and open competition, full and open competition after exclusion of sources or other than full and open competition (FAR Part 6)).

-Specify business size (large business, small business, small disadvantaged business, women-owned small business, etc. (FAR 19)). (An 8a set aside is exempt from the requirement to notify Congress in accordance with FAR 5.303(a)(1)).

-When reporting classified contractual actions, ensure the Report/Notification does not contain any classified information.

-Contracting officer must include contract award date. (Do not include “*on or about*” dates—dates must be definite.) *PM/AM must include pending contract award date.

(e) Procedures.

(1) Electronic submission is required using signed/encrypted e-mail (no attachments). See DISAI 630-230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

(2) The contracting officer must prepare and submit the Report to the respective HCO. The PM/AM must prepare and submit the Notification to the HCA. The HCA forwards the PM/AM Notification to the DISA Director(D) or Vice Director (DV). The D or DV may elect to notify the Office of the Assistant Secretary of Defense, Networks and Information Integration (OASD NII).

(3) The HCO must review and approve all Reports. Upon completion, the HCO will submit the Report (DARS 5.303-90 (a) and (b)) concurrently to the DISA Public Affairs Office (PAO) and DISA General Counsel. The HCO will also provide a courtesy copy to the HCA. Submissions must be made in sufficient time so that it is received by the DISA PAO, DISA GC, and HCA at least two workdays before the pending award date.

(4) The DISA PAO shall notify the Office of the Assistant Secretary of Defense (Public Affairs) and DISA GC shall notify Congress. The DISA PAO will also provide a courtesy copy to D/DV. The DISA GC shall coordinate reports of contractual actions with DISA Congressional Affairs before release to Congress to the extent possible.

(5) The DISA PAO will notify the cognizant HCO upon transmission of the Report to the Office of the Assistant Secretary of Defense (Public Affairs). Once the HCO receives this notification, the contracting officer may make the award.

SUBPART 5.4--RELEASE OF INFORMATION

5.403 Request from Members of Congress.

5.403-1 DISA Instruction 100-225-1, “Provision of Information to Congress” and the following procedures shall be followed prior to releasing any information to Members of Congress:

(a) Obtain coordination from DISA legal, who shall act as the liaison for and approval for release of information.

(b) Obtain coordination from the DITCO Financial Management Directorate (AQSC) prior to coordination with legal for DWCF financial information. DITCO-NCR will obtain coordination from the DISA Comptroller (CFE) in lieu of AQSC.

(c) Obtain coordination from DISA Congressional Affairs.

(d) Prepare all releases for the DISA AQ HCA's signature.

5.404-1 Release procedures.

(a) The Agency Competition Advocate is authorized to release long-range acquisition estimates (LRAEs).

PART 6--COMPETITION REQUIREMENTS

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PART 6--COMPETITION REQUIREMENTS

SUBPART 6.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

6.202 Establishing or maintaining alternative sources.

(b)(1) Approval authority for determinations and findings (D&Fs) under this subpart follows:

<u>Dollar Threshold</u>	<u>Approval Authority</u>
-------------------------	---------------------------

\$0 - \$50M	HCA
Over \$50M	Senior Procurement Executive (SPE)

Note: See DFARS 206.2 for format. Local counsel and procuring activity competition advocate review is required before approval. Provide the Agency Competition Advocate with a copy of the approved D&F.

SUBPART 6.3—OTHER THAN FULL AND OPEN COMPETITION**6.302-4 International agreement.**

(c) Limitations. The document described in DFARS 206.302-4(c) shall only suffice in cases when the host country requests and documents in the agreement the specific company and supplies/services to be procured. If a proposed acquisition is to support NATO, then the agreement must state the specific company and supplies/services being procured.

6.302-7 Public Interest

(c)(1) Follow the format under FAR 1.7 for the written determination. Approval authority for D&F follows:

- Secretary of Defense (see DFARS 206.302-7)
- Required coordination: AQ1, Agency Competition Advocate, GC, SPE and Director, DISA
- Provide the Agency Competition Advocate with a copy of the approved D&F.

(3) If a justification is required to support the determination, follow DARS 6.

6.303-1 Requirements.

(a)(3) Upon request, PMs/AMs must be prepared to provide the Office of the Chief Information Officer, DISA, copies of approved Justification and Approvals (J&As) for Information Technology (IT)/National Security System (NSS) IT acquisitions with a total estimated cost \$3M or greater that fall under OASD(NII) review/approval (see DARS 39).

(b) Requirements certification – Only the head, or if absent, the acting head (e.g., Deputy Director, Program Director, DECC Director) of the requiring office may certify the requirement. Technical certification shall be one level below the individual responsible for requirements certification.

(d) The contracting officer shall provide copies of J&As through the HCA directly to the OUSD (AT&L/DP), Foreign Contracting Office whenever J&As cite the authority of FAR 6.302-3(a)(2)(i) or 6.302-7 as a basis for not providing for full and open competition in procurements subject to the Trade Agreements Act. The office listed above shall provide copies to the Office of the United States Trade Representative as required by FAR 6.303-1(d). Foreign Contracting Office web address is <http://www.acq.osd.mil/dp/fc/>.

(S-90) The requirements office, in close coordination with the contracting officer, shall develop the justification using the required format set forth in DARS 6.303-90.

(S-91) For justifications exceeding \$50M, the contracting officer shall coordinate with the Procuring Activity Competition Advocate, and obtain all required signatures before submission through the Agency Competition Advocate and AQ1 for SPE approval.

(S-92) The contracting officer shall provide the Procuring Activity Competition Advocate with a copy of all approved J&As.

(S-93) For each acquisition covered by a class justification, the contract file must include a duplicate original copy, including the signature page, of the class justification or a statement referring to its location.

(S-94) Review/signature by counsel for legal sufficiency is required on all justifications.

6.303-2 Content.

(a) Each justification shall also include:

(S-90) A statement of delivery schedule and/or period of performance inclusive of all options and the life-cycle cost of the acquisition.

(S-91) If an acquisition plan (AP) is required, reference the approved AP (DARS 7). Attach a copy of the approved AP to each justification requiring the SPE approval. In addition, identify the title of the applicable DISA Program Plan and date approved.

(S-92) Discuss compliance with Information Technology (to include NSS IT), Information Management (IM), and Information Assurance (IA) requirements. If the effort is \$3M or greater, discuss OASD (NII) IT reporting requirements (see DARS 39).

6.303-90 Format.

(a) All items shall be included in the sequence set forth in FAR 6.303-2 and DARS 6.303-2. Those items determined to be not applicable should state “not applicable” with a brief supporting rationale unless the reason is self-evident.

(b) Certification, legal sufficiency, and approval signatures shall be provided on a separate sheet of paper at the end of the text as set forth below. This is done to facilitate making changes to the J&A without them impacting the signature page.

(c) If changes occur after approval and the estimated value/scope is within the approving official’s authority, amend the J&A and consult with signing parties to see if their signatures are still valid.

(d) If changes occur after approval and the estimated value/scope exceeds the approving official’s authority, an amended J&A is required with a new signature page. Coordinate with the original approving official and attach the original signature page to the amended J&A.

(e) Identify changes by change lines in the right margin.

(f) The procedures are set forth in the “Justification and Approval Deskbook,” listed in Appendix A.

(g) Electronic submission is permitted. If needed, use signed/encrypted e-mail. See DISAI 630-230-30 for e-mail security practices for electronic transmission of sensitive but unclassified information. The required format is set forth below.

REQUIRED FORMAT

-Originator's Code

-Complete Procurement Request Number

JUSTIFICATION AND APPROVAL TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I, as _____
_____ (fill in the appropriate approval authority), hereby approve the use of other than full and open competition of the proposed contractual action pursuant to the authority of 10 U.S.C. 2304() (). (Insert appropriate statutory authority (exception) permitting other than full and open competition; use only **one** exception per J&A).

JUSTIFICATION

- 1. Agency and Contracting Activity.**
- 2. Nature/Description of Action(s).**
- 3. Description of Supplies/Services.**
- 4. Identification of Statutory Authority.**
- 5. Demonstration of Contractor's Unique Qualifications.**
- 6. FedBizOpps Announcement/Potential Sources.**
- 7. Determination of Fair and Reasonable Cost.**
- 8. Description of Market Research.**
- 9. Any Other Supporting Facts.**
- 10. Listing of Interested Sources.**
- 11. Actions Taken to Remove Barriers to Competition.**
- 12. Statement of Period of Performance and/or Delivery Schedule.**
- 13. Reference to the Approved Acquisition Plan (AP)/Program Plan (PP).**
- 14. Reference to Information Technology (IT) (includes National Security System IT), Information Management (IM), and Information Assurance (IA) Requirements. NOTE: STOP HERE and start a separate page for certifications/approvals.**

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b), DFARS 206.303-1, and DARS 6.303-1(b))

I certify that the facts and representations under my cognizance which are included in this justification and which form a basis for this justification are complete and accurate.

Technical Cognizance:**Signature:**

Printed/Typed Name and Title	Code
Phone	Date

Requirements Cognizance:**Signature:**

Printed/Typed Name and Title	Code
Phone	Date

REVIEW FOR LEGAL SUFFICIENCY (DARS 6.303-1 (S-94))

This justification is determined legally sufficient.

Signature:

Printed/Typed Name and Title	Code
Phone	Date

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-1(a), 6.303-2(a)(12))

I certify that this justification is accurate and complete to the best of my knowledge and belief.
(Add the following and delete the “APPROVED BY” block below if this certification is also serving as approval: “Since this effort does not exceed \$500K, this certification serves as APPROVAL (FAR 6.304(a)(1)).”)

Signature:

Printed/Typed Name and Title	Code
Phone	Date

APPROVED BY: (FAR 6.304 and DFARS 206.304)**Signature:**

Printed/Typed Name and Title	Code
Phone	Date

ALL QUESTIONS REGARDING THIS J&A ARE TO BE REFERRED TO (INSERT

THE NAME/CODE/PHONE NUMBER OF THE APPROPRIATE POINT OF CONTACT.)

6.304 Approval of the justification.

(a) The justification for other than full and open competition shall be approved in writing. Thresholds/authorities follow:

<u>Dollar Threshold</u>	<u>Approval Authority</u>
\$0 - \$500K	Contracting Officer
Over \$500K - \$10M	Procuring Activity Competition Advocate*
Over \$10M - \$50M	HCA or designee
Over \$50M	SPE**

**** The Agency Competition Advocate, HCA, or SPE can approve J&As at this level in the absence of the Procuring Activity Competition Advocate.***

***** Classified J&As greater than \$500K are approved by the SPE unless otherwise directed.***

(c) Class justifications shall be approved in the same manner as individual justifications. The cumulative dollar value of all actions (base year and options) contemplated shall be used to determine the approval authority.

(S-90) If the dollar value at the time of contract award exceeds the dollar value approved, revise the existing J&A or initiate a new J&A. If revising the J&A, consult all signatories to validate their signatures.

6.501 Requirement.

The Chief, Center for Acquisition Management (AQ1) is designated as the Agency Competition Advocate.

PART 7--ACQUISITION PLANNING

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PART 7--ACQUISITION PLANNING

SUBPART 7.1--ACQUISITION PLANNING

7.105(b)(4) Acquisition considerations. Specify funding for the minimum guarantee for IDIQ contract(s) will be obligated at time of contract(s) award (see DARS 16.504(a)(2)). The minimum guarantee is \$ (fill in) for the base period (to be obligated at contract(s) award) and the maximum quantity to be ordered if \$ (fill in).

7.107 Additional requirements for acquisitions involving bundling.

(a) If bundling of contract requirements is planned, the Program Manager (PM)/Acquisition Manager (AM) must conduct market research to determine whether bundling is necessary and justified in accordance with FAR 7.107.

(f) The contracting officer, using information provided by the PM/AM must include appropriate justification for bundling in the AP, or when an AP is not required, the PM/AM must include the information in the appropriate DISA Program Plan (DARS 7.90).

SUBPART 7.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

7.301 Policy.

(a) DISA requirements offices shall examine all options and perform all mission responsibilities and functions using their own resources to the maximum extent practicable. DISA may consider the outsourcing of services when performing non-core responsibilities and functions; and, performing mission responsibilities for short-term or time-critical periods while developing in-house resources.

(b) DISA's point of contact for matters under this subpart is the Management Analysis and Internal Controls Division.

7.306 Evaluation.

(a)(3) Upon completion of final Government review of the cost comparison form under FAR 7.306, including resolution of any request under FAR 7.307, HCA makes the final determination for performance by the Government or under contract and provides written notification to the contracting officer.

(b)(3) Upon completion of the public review period under FAR 7.306 and resolution of any questions raised under FAR 7.307, the HCA shall provide the contracting officer written notification of the final cost comparison decision.

7.307 Appeals.

(a) The DISA DV provides informal administrative review of the initial cost comparison result.

(b) The contracting officer shall forward requests to AQ1; AQ1 coordinates the review with DISA CFE and the DV.

SUBPART 7.5—INHERENTLY GOVERNMENTAL FUNCTIONS**7.503 Policy.**

(e) The PM/AM is the designated requirements official responsible for meeting the requirement under this subpart. The PM/AM may meet this requirement by including a written statement (FAR 7.503) in the AP or providing the statement as an attachment to the statement of work. Disagreements regarding the determination shall be resolved by a contracting official one level above the contracting officer before issuance of a solicitation.

SUBPART 7.90—ACQUISITION AND PROGRAM PLANS**7.9000 Definitions.**

Acquisition. Acquisition as used in this supplement has the same meaning as stated in FAR 2.101. Acquisition begins at the point when agency needs are identified and ends with contract closeout.

Acquisition Plan (AP). A comprehensive plan for fulfilling DISA's needs with a specific contract or group of contracts in a timely manner and at a reasonable cost. An AP addresses all the technical, business, management, overall acquisition strategy, and other significant considerations that will control *a single acquisition* (plan of action) *or multiple acquisitions* (plans of action) grouped together forming an enterprise-wide acquisition strategy for a requirement.

Acquisition Strategy Committee (ASC). The ASC assists the requirements office to formulate efficient, effective, and appropriate acquisition strategies to meet DISA's needs within resource constraints and ensure compliance with regulations and law. The Deputy Director, AQ, is the ASC Chair.

Class of Actions. More than one plan of action under an AP that have identical/similar requirements.

DISA Program. A directed, funded *logical grouping of requirements* designed to provide a new, improved, or continuing capability in response to validated operational need.

DISA Program Plan. A budgetary/acquisition plan of all actions supporting a specific DISA Program for any given fiscal year (FY). The ASC in conjunction with the Budget Review Committee (BRC) is the forum for obtaining program plan approval. Reference: DISAI 200-220-7 (Boards and Committees, DISA Corporate Board Structure).

Information Technology (IT) Acquisition (DARS 39). Acquiring IT, including National Security System (NSS) IT, by any method including contract, grant, cooperative agreement, international agreement, interagency (Economy Act) orders, or any "other transactions."

Integrated Product Team (IPT). A cross-functional team formed for the specific purpose of delivering a product for an external or internal customer.

Program Manager (PM)/Acquisition Manager (AM). Similar to action officer, project manager and systems manager. The PM/AM “champions” the acquisition throughout the acquisition planning process.

7.9001 Acquisition planning policy.

(a) DISA contracting offices shall be used to support DISA requirements to the maximum extent practicable. See <http://www.ditco.disa.mil/Default.asp> for more information about DISA contracting offices..

(b) Contractors may advise on and draft acquisition plans and contractual documents. Agency personnel shall determine specific decisions (i.e., contract type, evaluation factors, etc.) and the final content of such documents.

(c) The cognizant PM/AM is designated as the "planner" for acquisitions in accordance with FAR 7.103(f) and (g). The PM/AM is responsible for ensuring that the principles of acquisition planning are used, as appropriate, for those acquisitions that do not require a written AP, as well as for those that do.

(d) For DISA requirements, ALs located within DISA Directorates shall work with their respective PM/AM to meet the requirements of this subpart.

(e) The PM/AM shall coordinate acquisition plan content with the appropriate cross-functional experts. The preferred method for coordination is forming an IPT as soon as an Agency need is identified for developing the AP. Depending on the complexity of the requirement, the PM/AM may choose to use Groupware, working groups, etc. to coordinate AP content. Cross-functional experts, responsible for significant aspects of the acquisition, may include representatives from contracting, financial management (resource managers), legal, logistics, technical, SADB Office, Agency Competition Advocate, Information Systems Security Manager (ISSM)/Information Systems Security Officer (ISSO), Information Management Officer (IMO)/Information Management Representative (IMR), OCIO, CAE (for DISA MAIS programs), and ASC Chair.

(f) When a written AP is required for a DISA requirement, ASC Chair review of the AP/major AP revision is required before releasing a draft request for proposal or holding a pre-solicitation or pre-proposal conference.

(g) AP (including major revisions) approval is required before solicitation release.

7.9002 AP thresholds.

Written APs shall be prepared for acquisitions meeting the thresholds in DFARS 207.103(d)(i).

7.9003 Required AP signatures/coordinations.

a. AP Signatures.

- Cognizant PM/AM
- Head of the requirement's office or designee
- Contracting Officer
- HCO (Approving official for non-DISA requirements)
- Vice Director (Approving official for DISA requirements)

b. AP required coordination on DISA Form 9 (Applicable to APs for DISA requirements only).

- Acquisition Liaison
- Agency Small and Disadvantaged Business Utilization Officer or designee*
- Agency Competition Advocate or designee*
- Chief Information Officer or designee – Coordination required when a single planned IT/NSS IT acquisition's total estimated IT cost is *\$3M or greater for other than full and open or \$30M or greater for competitive.*
- Component Acquisition Executive (CAE) (For all DISA Major Automated Information System (MAIS) programs)
- ASC Chair
- HCA

* The Procuring Activity SADBUS and Competition Advocate must coordinate on APs for non-DISA requirements.

7.9004 AP procedures.

(a) The Director, Acquisition, Logistics, and Facilities (AQ) prescribes procedures for acquisition planning following FAR 7.103 and DFARS 207.103 that are consistent with the guidelines provided therein.

(b) Format, content, and additional guidance for APs are contained in the DISA Acquisition Planning Deskbook available via <http://www.disa.mil/acq/aqinfo.html>. In support of the AP, the PM/AM may be asked for a draft statement of objective/statement of work and/or cost estimates.

(c) Electronic submissions are encouraged. APs contain **source selection information** and must be protected and marked in accordance with FAR/DARS 3.104-4. Also, see DISAI 630-230-30 for *e-mail security practices* for electronic transmission of sensitive but unclassified information.

(d) See DARS Part 39 for IT/NSS IT AP requirements.

(e) By FAR 7.103(p), the determination of available Government expertise to evaluate proposals before soliciting for advisory and assistance services is required. The HCA has the authority to make this determination. When this applies and an AP is required, address it in the AP.

7.9005 AP approval process.

(a) The Vice Director approves APs and major revisions to APs supporting DISA requirements. The appropriate HCO approves APs for non-DISA requirements processed by DITCO.

(b) The PM/AM monitors and tracks the AP packages through approval/disposition.

(c) The DISA PM/AM, in close coordination with the contracting officer, coordinates development of the AP package with the appropriate cross-functional experts). The PM/AM must attempt to resolve all issues before formal submission of the AP. Issues that cannot be resolved will be raised to the ASC Chair for resolution.

(d) After AP development, the DISA PM/AM prepares and submits the AP via the DISA Form 9 for formal coordination/approval. At a minimum, the DISA Form 9 coordination shall include all required signatories/coordination listed in DARS 7.9003.

(e) The PM/AM, in conjunction with the contracting officer, must address and resolve all comments provided through the coordination process prior to submitting the AP for DV approval.

(f) After AP approval, the PM/AM must provide the original approved AP to the contracting officer for retention in the official contract file. AP approval establishes the AP baseline.

7.9006 AP revisions.

(a) PMs/AMs shall review approved APs annually and if appropriate, revise the AP (FAR 7.104(a)). The PM/AM shall document this review in writing and send the original to the contracting officer for inclusion in the official contract file.

(b) Draft revisions will contain strikeouts, underline highlights, and change pages with “revised lines (bars)” on the border of the text changed. Each page revised will contain the revision number, including the signature page, for major revisions.

(c) Major revisions.

(1) Major revisions require a new signature page/approval by the DV and depending on the magnitude of the revision may result in a new AP.

(2) The PM/AM shall follow the AP approval process for obtaining approval for major revisions. Examples of major revisions follow:

- Funding increase/shortfall (above the AP thresholds under DARS 7.9002). Includes modifications that breach AP thresholds (includes engineering change proposals)
- Change of scope
- Change in acquisition or technical strategy
- Change in funding types
- Key milestone slippage (one quarter or more)
- Any significant breach and/or variance of an IT investment cost/schedule/performance baseline/agreement established in compliance with Clinger-Cohen Act and Government Performance Results Act (GPRA)

(d) Minor revisions

(1) Minor revisions do not require a new signature page; however, the PM/AM shall coordinate minor revisions with the AL, ASC Chair, and all other AP signatories.

(2) The PM/AM shall submit minor revisions as an enclosure to an interoffice memorandum, signed by the PM/AM, to the contracting officer. Examples of minor revisions follow:

- Funding increase/shortfall (below the AP thresholds under DARS 7.9002)
- Milestone slippage (less than one quarter)
- Change in key points of contact
- Recording historical information (e.g., After the award of a planned contract, revise the historical portion of the AP to document the award date, contractor, dollars obligated to date, etc.)

7.9007 AP files

(a) The PM/AM shall maintain a copy of APs/revision(s).

(b) The contracting officer shall ensure the original approved AP and all revisions become part of the official contract file. If an AP covers more than one plan of action (multiple acquisitions), a copy of the signature page and applicable plan of action shall become part of the official contract file for "each" plan of action awarded.

7.9008 DISA programs.

A list of DISA Programs is included with the guidance for program plan submission provided by the ASC/BRC Chairs.

7.9009 DISA program plans.

(a) DISA program plans are required annually on a FY-basis for all DISA programs and when approved, constitute the program execution baseline.

(b) The ASC/BRC Chairs provide detailed guidance, instructions, format, etc., for program plan packages in the June timeframe for the upcoming FY and for each subsequent Program Plan In-Process Review (IPR). The program plan package consists of a spreadsheet, slides, and Acquisition Information Sheet(s) (when appropriate).

7.9010 Program plan approval.

(a) The PM/AM is responsible for developing and maintaining program plans. The PM/AM must work closely with the acquisition liaison and resource manager throughout the process to ensure compliance with acquisition/budget regulations and policies.

(b) *Before* the ASC/BRC pre-brief, the PM/AM shall coordinate program plan content with representatives of the core functional members of the ASC/BRC (e.g., AQ1, resource manager, OCIO, Agency SADBUD Official, Agency Competition Advocate, contracting, legal counsel, logistics, security, and as required, other functional experts). The PM/AM may use various methods to ensure program plan content is coordinated with all appropriate functional experts (e.g., informal IPT, Groupware, working groups, etc.).

(c) The PM/AM must ensure that all individuals involved in program plan coordination are given sufficient time for review/comment before the pre-brief. The PM/AM must try to resolve all issues before the ASC/BRC pre-brief. Issues that cannot be resolved will be raised at the ASC/BRC for resolution.

(d) The PM/AM shall provide a pre-brief of the program plan to the ASC/BRC 2 to 3 weeks *before* briefing the Vice Director. Provide copies of the program plan to ASC/BRC members before the pre-brief in sufficient time for review (at least two days). If this is not possible, provide copies at the pre-brief.

(e) The BRC Chair acts as Secretariat. The Secretariat is responsible for scheduling ASC/BRC pre-briefs and DV briefs. The Secretariat is responsible for providing these schedules to all of the appropriate individuals and coordinating tasks and the final program plan package for the Vice Director's brief.

(f) Stakeholders having issues must contact/submit recommended revisions to the briefer within three work days after the pre-brief to ensure the PM/AM sufficient time to resolve issues and make any required revisions before the brief to the DV. Once complete, the PM/AM provides the program plan package to the ASC/BRC Secretariat in accordance with the guidance received from the ASC/BRC Chairs.

(g) Major issues must be closed before DV approval. The ASC/BRC Secretariat records DV tasks, coordinates closure, and resubmits the program package for final approval.

(h) After approval, the ASC/BRC Secretariat provides notification to the PM/AM, ASC/BRC members, acquisition liaison and resource manager that program plan has been approved and may be accessed on a shared drive. In the event the shared drive is not accessible, the ASC/BRC Secretariat shall provide copies. The ASC/BRC Secretariat maintains the official file for all approved program plans on a shared drive.

7.9011 Program plan revisions.

(a) Major Revision

(1) Major revisions are significant changes in the program execution baseline (approved program plan). Examples include (but not limited to):

- changes of \$5M or greater
- funding increases/shortfalls,
- new contracting methods or changes to contracting methods (*See DARS 7.9012 below for Acquisition Information Sheet requirement*),
- technical scope change,
- reprogramming of funds, or
- milestone slippage (*one quarter or more*)

(2) PM/AM shall coordinate with appropriate core functional representatives of the ASC/BRC and other experts as required. Required coordination for major revisions: ASC/BRC Chairs, CIO, Agency SADBUs Official, Agency Competition Advocate and contracting. The ASC/BRC Secretariat facilitates submission for approval.

(3) Approved by the Vice Director.

(b) Minor Revision

(1) Examples of minor revisions include (but not limited to):

- changes less than \$5M
- funding increases/shortfalls,
- technical scope change,
- New contracting methods or changes to contracting methods (*See DARS 7.9012 below for Acquisition Information Sheet requirements*),
- milestone slippage (*less than a quarter*),
- realignment of cash transactions,
- reprogramming of funds, or
- any other change that requires revising the approved program plan that is not considered a major revision.

(2) PM/AM shall coordinate with appropriate core functional representatives of the ASC/BRC and other experts as required.

(c) The PM/AM must seek approval following the process above for revisions that affect the "current" quarter. The PM/AM may seek approval of revisions that impact subsequent quarters during Program Plan IPRs.

(d) Revisions establish new program execution baselines.

(e) Approval of program plans and major/minor revisions to those program plans **does not preclude** obtaining any other approvals required under separate policy, regulation or law (e.g., Determination and Finding for Economy Act orders, Justification and Approval for other than full and open competition, acquisition plan approvals, etc.).

7.9012 Program Plan In-Process Reviews (IPRs).

(a) The ASC/BRC Secretariat schedules Program Plan IPRs and provides appropriate guidance, instructions, format, etc.

PART 8--REQUIRED SOURCES OF SUPPLIES AND SERVICES

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PART 8--REQUIRED SOURCES OF SUPPLIES AND SERVICES

SUBPART 208.70--COORDINATED ACQUISITIONS

208.7005 MIPRs

(S-90) MIPRs (DD Form 448/448-2) coded "**MZ**" used to transfer funds *within* DISA (e.g., transfer of funds from one DD to DITCO-Scott or from one DD to another).

- DARS 17.5 (Interagency Acquisitions Under the Economy Act) *does not apply* to MIPRs coded "MZ."

(S-91) MIPRs (DD Form 448/488-2) used in accordance with DFARS 208.7004/7005 are coded "**MR**."

- The Economy Act may apply to MIPRs coded "MR" and Reimbursable Agreement/Order for Services between Federal Agencies (ROs) (DISA Form 125). See DARS 17.500(b)(S-93) and DARS Appendix C (Considerations for Determining Economy Act Applicability) for applicability. Points of contact: Agency Competition Advocate for D&Fs for Economy Act orders for support agreements.

(S-92) If acquiring Information Technology (IT) including National Security System (NSS) IT, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD (NII)) reporting requirements apply if the requirement meets or exceeds the thresholds at DARS 39.101(S-93). Points of contact: Information Management Officer/Information Management Representative and/or Information Systems Security Manager/Information Systems Security Officer.

(S-93) DISA's versions of the DD Form 448 and DD Form 448-2 are available at DISANet, Standard Applications, FORMS, Other Forms, **LD 448 & LD 448-2**.

(S-94) The requirements office is responsible for originating MIPRs/ROs and ensuring all required documents are completed and approved (e.g., D&F for Economy Act orders, support agreement, etc.) ***before*** submission to resource managers for funding cites. Attach all required documents to MIPRs/ROs (unless previously provided) and include mailing/handling instructions for the office of execution (e.g., indicate which documents need to be mailed with the MIPR/RO).

(S-95) The requirements office shall process all MIPRs/ROs with the DISA Form 1 (DARS Part 53/instructions to DISA Form 1). To avoid the possibility of double billing, ***do not*** complete blocks 11A through 11 D of the DISA Form 1 (funding information/certification). Instead, type "see MIPR" or "see RO." *You can not under any circumstances replace the MIPR/RO with the DISA Form 1.*

(S-96) When support agreements are required, include the DISA support agreement number on the MIPR/RO.

(S-97) Resource managers must ensure support agreement numbers are cited (when applicable) ***before*** sending to the office of execution for certification.

(S-98) The office of execution shall not execute MIPRs/ROs without copies of all required documents/approvals. When D&Fs/support agreements are required, a copy ***shall*** be sent to the servicing agency as an attachment to the MIPR/RO in accordance with DARS 17.504-90 unless the servicing agency previously received copies.

SUBPART 8.8—ACQUISITION OF PRINTING AND RELATED SUPPLIES

8.802 Policy.

(b) DISA's central printing authority is Personnel and Manpower (DISA MPS)), who serves as a liaison with the Congressional Joint Committee on Printing (JCP) and the Public Printer on matters relating to printing. The contracting officer in conjunction with the requirements office shall obtain approval from DISA MPS before issuing a solicitation or contract action for printing services or related supplies. DISA MPS determines whether the job will be done by DISA or contracted out.

(S-90) Contractor printing and duplication is limited to the minimum number of copies needed to review each contract deliverable, as specified in the Contract Data Requirements List (CDRL). The Government does not reimburse the contractor for copies in excess of the quantities specified in a CDRL. Deliverable quantities shall only be the minimum needed by the Government to review, reject, or accept the product. Contractor printing and duplication must comply with the referenced legislation, statute, and the *Government Printing and Binding Regulations*, published by the JCP.

(S-91) To ensure compliance with these restrictions, requiring offices are responsible for including these printing and duplication limits in the statements of work for new acquisitions, as well as existing contracts. Modifications to existing contracts are subject to the “Changes” clause of the contract.

(S-92) The following are exceptions to this policy:

- (1) Classes of work considered urgent or necessary by the JCP;
- (2) Printing in field printing plants operated by Executive Departments;
- (3) Individual printing orders costing not more than \$1,000 if the work is not of a continuous or repetitious nature and certified by the Public Printer, Government Printing Office;
- (4) Printing for various intelligence agencies; and
- (5) Printing from other sources specifically authorized by Section 207, Legislative Branch Appropriation Act, 1993, Pub.L. No. 102-392, 106 Stat 1703, 1719-20 (Oct. 8, 1992).

PART 9--CONTRACTOR QUALIFICATIONS

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PART 9--CONTRACTOR QUALIFICATIONS

SUBPART 9.2—QUALIFICATIONS REQUIREMENTS

9.202 Policy.

- (a)(1) The "designee" is the HCA.
- (b) The "other official" is the HCA.
- (e) The "designee" is the HCA.

9.206 Acquisitions subject to qualification requirements.

9.206-1 General.

- (b) The designee is the HCA.
- (e)(3) Whenever a decision is made not to enforce a qualification requirement, the contracting officer shall request concurrence from the activity that established the requirement.

SUBPART 9.3 - FIRST ARTICLE TESTING AND APPROVAL

209.305 Risk.

The HCO is the approving official.

SUBPART 9.4—DEBARMENT, SUSPENSION, AND INELIGIBILITY

9.406-3 Procedures.

(a) Investigation and referral. Refer any matter that may be a cause for debarment to the HCA. The HCA shall (1) consult with DISA GC regarding an appropriate investigation method, (2) request an investigation by the DoD Inspector General or other office, and (3) if warranted by the results of the subsequent investigation, prepare a formal recommendation to debar and submit the recommendation to the debarment official (DISA GC).

(b) Decision making process. Based on a review of the recommendation to debar, the GC initiates proposed debarment by taking the actions listed in FAR 9.406-3(c). The contractor shall be given an opportunity to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment. For actions listed in FAR 9.406-3(b)(2), the contractor shall be given the opportunity to make a presentation of matters in opposition, as provided in FAR 9.406-3(b)(2)(i). The presentation shall be conducted before the GC or a designee. If the contractor's presentation of matters in opposition raises a genuine dispute over material facts, DISA GC may withdraw the proposed debarment or require additional fact-finding that shall be conducted in accordance with the principles in FAR 9.406-3(b).

SUBPART 9.5—ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

9.503 Waiver.

The HCA is authorized to approve the waiver of any general rule or procedure of FAR Subpart 9.5, subject to prior consultation with DISA GC.

PART 10--MARKET RESEARCH

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No DARS Text

PART 11--DESCRIBING AGENCY NEEDS

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PART 11--DESCRIBING AGENCY NEEDS

SUBPART 11.6—PRIORITIES AND ALLOCATIONS

11.603 Procedures.

(c)(3) Contracting officers are authorized to sign rated orders.

(e)(S-90) DO-A7 ratings shall be applied to all contracts and orders in support of DoD customers for electronic and communications equipment (except where 15 CFR 700.17(f) applies). See Schedule 1 of the Defense Priorities and Allocations System (DPAS) at 15 CFR 700 http://www.access.gpo.gov/nara/cfr/waisidx_03/15cfr700_03.html. Ratings shall not be applied to contracts or orders for items that are:

(1) excluded from DPAS coverage by 15 CFR 700.18(b). For example, communication services are specifically excluded (although communication equipment is covered by DPAS).

(2) inappropriate for DPAS coverage in accordance with Section C3.2, DoD 4400.1-M (<http://www.dtic.mil/whs/directives/corres/html/44001m.htm>). Inappropriate items include those that are commonly available in commercial markets, only require minimal modification, or are primarily for administrative purposes. Information technology equipment is only authorized a DPAS rating if it is integral to military operations and not used primarily for administrative or business purposes.

(S-91) DX ratings shall only be applied if the contract or order is in support of a program included on the DoD list of DX-rated programs. See USD(AT&L) Memorandum on DX-rated programs, 31 March 2003 at <http://www.safaq.hq.af.mil/contracting/toolkit/part34/acrobat/priority-conflicts.pdf>. Contracting officers shall obtain the written concurrence of the HCO before applying a DX rating to any contract or order.

(S-92) The HCOs shall perform the functions of the procuring activity DPAS officers as prescribed in DoD 4400.1M, e.g., handle requests for special priorities assistance.

PART 12--ACQUISITION OF COMMERCIAL ITEMS

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SUBPART 12.4-UNIQUE REQUIREMENTS REGARDING TERMS AND CONDITIONS FOR COMMERCIAL ITEMS

12.403 Termination

PART 12--ACQUISITION OF COMMERCIAL ITEMS

SUBPART 12.403--TERMINATION

12.403(b)

Only contracting officers with delegated termination authority may terminate a contract for convenience or for cause. Prior to release, contracting officers must coordinate termination notices with local legal counsel and, if the contractor is a small business concern, with the Small and Disadvantaged Business Utilization (SADBU) Specialist. Additionally, an e-mail notification must be provided to the HCO at least two business days prior to release.

PART 13--SIMPLIFIED ACQUISITION PROCEDURES

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PART 13--SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 13.3-SIMPLIFIED ACQUISITION METHODS

13.301 Government-wide commercial purchase card.

13.301(S-90) General.

(a) References:

- DISA Commercial Purchase Program Deskbook
- DoD Purchase Card Program Management Office
(<http://purchasecard.saalt.army.mil/>)

(b) Using the Government-wide commercial purchase card to acquire and pay for supplies and services does not "exempt" DISA from the Economy Act. See FAR/DARS 17.5 for Economy Act applicability.

(c) The DITCO AOPCs shall provide AQ1 access to a current, centralized electronic database that contains a list of all DISA billing officials and cardholders, to include their codes/locations and authority limitations.

13.301(S-91) Procedures.

The HCA is responsible for developing and maintaining Agency purchase card procedures. The DISA commercial purchase card procedures are incorporated into the Deskbook entitled "Commercial Purchase Card Program," and is located at <http://www.disa.mil/acq/deskbooks.html>.

SUBPART 13.5 TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS

13.501 Special documentation requirements.

(a)(ii) Follow DARS Part 6 and the J&A Deskbook (Appendix A) if a justification and approval is required.

PART 14--SEALED BIDDING

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No DARS Text

PART 15--CONTRACTING BY NEGOTIATION

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SUBPART 15.3-SOURCE SELECTION

- 15.300 Scope of subpart
- 15.303 Responsibilities
- 15.304 Evaluation factors and significant subfactors
- 15.305 Proposal evaluation
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- 15.404(S-90) Proposal analysis
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- Exhibit A Pre-negotiation Business Clearance Memorandum
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SUBPART 15.6-UNSOLICITED PROPOSALS

- 15.606 Agency procedures

PART 15--CONTRACTING BY NEGOTIATION

SUBPART 15.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

15.201 Exchanges with industry before receipt of proposals.

(f) When an AP is required (DARS Part 7), ASC Chair review of the AP/major AP revision is required ***before*** releasing a draft request for proposal or holding a pre-solicitation or pre-proposal conference. In addition, see DARS 7.107 regarding OUSD(AT&L), OSADBU review

requirement for draft requests for proposals (solicitations) involving bundled contract requirements.

15.203-90 Requests for proposals.

(a) Solicitation Review Board (SRB). Cross-functional IPT chartered by the ASC Chair when the Chair determines that a solicitation requires a more comprehensive review before release.

(b) When a planned acquisition requires a more comprehensive review, the ASC Chair may charter an SRB to review a solicitation and all associated documentation prior to release. The Chair determines membership, the PM/AM schedules and coordinates the review. The PM/AM distributes the following documents to each member in advance of the SRB (electronic submission is encouraged).

- (1) Request for Proposal (include Sections A - M)
- (2) PWS/SOO/SOW
- (3) DD Form 254
- (4) J&A, if applicable
- (5) Memorandum of Agreement, if applicable
- (6) All enclosures/attachments to the PWS/SOO/SOW, to include Contract Data Requirements List (CDRLs)/Data Item Description (DIDs), wage determinations, etc.
- (7) Cost Estimate/IGCE
- (8) Approved Acquisition Plan, if applicable
- (9) Approved Program Plan
- (10) Approved Source Selection Plan, if applicable
- (11) Acquisition Schedule

(c) Specific written guidance from the Director/Vice Director on establishing or restructuring acquisitions, changing acquisition requirements, or implementing acquisition changes take precedence over decisions of the ASC.

15.204 Contract format.

(e) The designee is the HCA.

15.204-2 Part I--The Schedule.

(c) To the maximum extent practicable, requirements should be defined as PWS/SOOs/SOWs that focus on required outcomes or results, not methods of performance or processes.

15.204-5(b)(S-90) Part IV--Representations and Instructions.

To facilitate subcontracting/teaming, an administrative notice **may be** included in *Section L* of the solicitation. The notice should state that the source list would facilitate subcontracting/teaming on a program, if desired. The notice should also include the date, to

which the list is current and any other information regarding handling of future updates to the list, if applicable.

SUBPART 15.3—SOURCE SELECTION

15.300 Scope of subpart.

See DARS Part 7 and AP/ASC Deskbook (Appendix A) for AP applicability/ requirements.

15.303 Responsibilities.

(a) The Director for Acquisition, Logistics, and Facilities is designated as the Source Selection Authority (SSA) for all contracts awarded by DISA over \$10 million except for telecommunications services procured through DISA's Inquiry, Quote, Order (IQO) process, or sensitive and classified acquisitions for which the Vice Director serves as SSA. The Director for Acquisition, Logistics, and Facilities is responsible for validating the source selection process. In those instances where having the Director for Acquisition, Logistics, and Facilities serve as SSA is not feasible, advise the Senior Procurement Executive and obtain a written SSA appointment letter to cover this instance only. Coordinate with AQ on a case-by-case basis if an external customer prefers to retain SSA.

15.304 Evaluation factors and significant subfactors.

(c)(3) Class Deviation 99-o0002, 29 Jan 99 (Subj: Class Deviation--Past Performance) is effective until further notice. The deviation identifies thresholds associated with key business sectors for the collection and use of Past Performance Information (PPI). The deviation may be accessed at <http://www.acq.osd.mil/dp/dars/deviations/99o0002.pdf>.

DISA normally comes under the **Services and Information Technology** business sectors. Past performance information shall be evaluated in all source selections for negotiated competitive acquisitions \$1,000,000 or greater unless the contracting officer documents the reason past performance is not an appropriate evaluation factor for the acquisition.

Although FAR Subpart 15.304 requires evaluation of past performance in all source selections for negotiated competitive acquisitions expected to exceed \$1,000,000 with limited exceptions. Contracting officer are encouraged to evaluate past performance in all source selections regardless of the dollar threshold.

(d) Clearly state in the solicitation, the approach the Government will use to evaluate the contractor's past performance. For additional guidance, see references listed in DARS Subsection 15.305(a)(2).

15.305 Proposal evaluation.

(a)(2) Past performance evaluation.

Ensure the source selection plan and solicitation clearly state all evaluation factors and subfactors and relative importance.

See [DISA's Collecting and Using Past Performance Information \(PPI\) Deskbook](#) and the [OSD Guide to Collection and Use of Past Performance Information](#).

(S-90) Evaluation of a single proposal.

(a) If only one proposal is received in response to a competitive solicitation, the contracting officer shall determine if the solicitation was flawed or unduly restrictive, and if the single proposal is an acceptable proposal. Based on these findings, the SSA determines whether to continue with the procurement and proceed with one of the following:

(1) Award without discussions. The contracting officer shall determine that adequate price competition exists (FAR 15.403-1(c)(1)(ii));

(2) Award after negotiating a mutually acceptable contract. (The requirement for submission of cost or pricing data shall be determined in accordance with FAR 15.403-1); or

(3) Reject the proposal and cancel the solicitation.

15.307 Proposal revisions.

(b)(S-90) Identify any apparent remaining weaknesses;

(S-91) Instruct offerors to incorporate all changes to their offers resulting from discussions, and require clear traceability from initial proposals;

(S-92) Establish a page limit for final proposal revisions.

15.308 Source Selection Decision.

All source selection decision documents for acquisitions of \$10 million or greater and subject to FAR Subpart 15.3 (except for sensitive and classified acquisitions, and contract actions using the DISA Inquiry, Quote, Order (IQO) process) require review and coordination by both AQ12 and legal counsel prior to forwarding to the Source Selection Authority.

SUBPART 15.4 – CONTRACT PRICING

15.404-1 Proposal analysis techniques.

(c)(2)(iii)(D) *Independent Government Cost Estimates (IGCEs)*.

(S-90) *Definitions*.

IGCE is a cost estimate developed by Government technical personnel, based on the PWS/SOO/SOW (without the influence of potential contractors).

Resource Managers ensure and verify that resources are available in the budget/POM, and manage resources accordingly.

(S-91) Policy.

(a) IGCEs are part of the required documentation for ASC review (DARS 7.9001). The DISA IGCE Deskbook contains procedures/guidance for developing IGCEs.

(b) IGCEs must contain details for estimates. IGCEs are not valid and are not acceptable for ASC review or for contracting action without the backup details to demonstrate how the estimates were developed.

(c) Use “Fully burdened” labor (hour) rates unless more recent information is available or other sources of information (e.g., wage rate determinations from the Department of Labor).

(d) Resource Managers shall coordinate on IGCEs, prior to ASC review or submission of procurement requests to contracts.

(e) Contracting officers shall notify AMs of appropriate remedial action on contract price/IGCE deviations greater than 25 percent, or of any other indication of discrepancy between proposal and the basis for the IGCE (e.g., significant variation in labor mix). Remedial action may include changes to the PWS/SOO/SOW, formal discussions, resource reprogramming, amendment or cancellation, but does not include unjustified revision of the IGCE.

15.404(S-90) Proposal analysis.

(a) DITCO contracting officers, communications specialists, contract specialists, and contract negotiators assigned to DITCO field offices shall initiate action to obtain cost and price analyses in accordance with the following procedures.

(1) The contracting officer, exercising sole responsibility for the final pricing decision shall, in accordance with FAR 15.404-1, coordinate with, request, and evaluate the advice of the contract pricing and tariff specialists in DITCO AQSC2. Contracting officers shall request an AQSC2 cost/price analysis, or Request For Proposal (RFP) review before negotiating any contract or modification with a contract value in excess of \$550,000, unless information available to the contracting officer is considered adequate to determine the reasonableness of the proposed cost or price. AQSC2 cost/price analyses for contract awards or modifications of a lesser value shall also be requested if considered necessary by the contracting officer in order to determine price reasonableness.

(2) AQSC2 assistance related to tariff interpretation, tariff rate establishment/update and other tariff issues shall be requested as required.

(3) AQSC2, with the concurrence of the contracting officer, shall be responsible for:

(i) Obtaining cost or pricing data or information other than cost or pricing data and auditing contractor's records.

(ii) Performing contract audit follow-up reporting tasks in accordance with DoD Directive 7640.2 and DARS 42.9000.

(iii) Conducting cost or price analyses and tariff reviews in accordance with FAR 15.404-1, as appropriate. Cost analyses shall incorporate audit findings, technical analysis and tariff review results, and all relevant cost driver information.

(iv) Consolidating cost or pricing data, information other than cost or pricing data, audit results, tariff reviews and other pertinent information; and developing pre-negotiation objectives.

(v) Participating in negotiations with contractors which require the use of information, computations, or data developed during the AQSC2 cost or price analysis.

(vi) Reviewing all major RFPs for competitive and noncompetitive services, supplies, and equipment to ensure adequate cost or pricing data and tariff provisions are included and that detailed evaluation criteria are developed and tailored for each acquisition.

(vii) Assisting contracting officers in documenting the contract files by providing detailed cost/price analysis memoranda, supporting schedules, automated spreadsheets, discussion items, pre- and post-negotiation business clearance memorandums input, DD Forms 1547, Tariff Change Notices, Tariff Contract File Conflict Notices, and other items as required.

(viix) Participating in conferences, briefings, debriefings, and other meetings where pricing and/or tariff support is required.

(b) To initiate a request for cost/price analysis support, the contracting officer shall submit an Interoffice Memorandum (IM) to AQSC2 containing detailed instructions. RFP reviews must be requested early in the acquisition stage so that a detailed review may be accomplished prior to submitting the RFP to industry. Acquisition plans and timelines must recognize the need for effective pricing/tariff reviews and analyses and must contain reasonable periods for conducting these tasks.

15.406(S-90) Documentation.

The *suggested* format for the Business Clearance Memorandum (BCM) is contained at Exhibit A (Pre-Negotiation) and Exhibit B (Post-Negotiation). BCMs may be tailored but must capture the key data elements identified in the suggested formats.

15.406-3(S-91) Requirements for pre- and post-BCM approvals.

(a) For competitive acquisitions that do not require negotiating pricing actions, a formal BCM is not required. Ensure the file is properly documented to establish how the price is determined fair and reasonable, (i.e., competition, prices set by law or regulation, price analysis and the acquisition history. No approvals are required by this subpart.

(b) This subpart does not apply to acquisition under the simplified acquisition threshold or for telecommunication services and equipment accomplished using the I/Q/O process or the North Atlantic Treaty Organization (NATO) Allied Long Lines Agency (ALLA)/National Allied Long Lines Agency (NALLA) circuit demand process.

(c) BCMs will be routed electronically to AQSC2 for review/coordination prior to approval.

(d) Post-BCM approval may be waived when the negotiated agreement is within the threshold approved in the pre-BCM and where there were no significant changes to the terms, conditions, or assumptions under which the pre-BCM was developed and approved. If the post-BCM is waived, a waiver statement will be included in the post-BCM. The waiver statement shall state the following: "Approval of the BCM is not required, since the negotiated price is within the approved pre-negotiation objective, and there were no material changes to the pre-BCM terms, conditions, or assumptions." The BCM shall satisfy the requirements of FAR 15.406-3 and shall be signed by the contracting officer responsible for signing the contract.

15.406-3(S-92) Approvals/review.

(a) The approval authorities for DITCO pre-BCMs are as follows:

(i) Contracting Officer -- contract actions not exceeding \$5M, but not above the dollar limitation of his/her warrant. If the contracting officer is negotiating the effort and preparing the BCM, the BCM will be approved by at least one level above the contracting officer.

(ii) Division Chief -- contract actions not exceeding \$25M.

(iii) Head of the Contracting Office (HCO) -- contract actions less than \$100M.

(iv) Head of the Contracting Activity (HCA) -- contract actions \$100M or greater.

(b) The approval authorities for DITCO post-BCM clearances, when the pre-BCM objectives are not met, are the same as those listed in paragraph (a)(i) through (iv) above.

SECTION II. PRE-NEGOTIATION COMPLIANCES (For competitive acquisition, document specific information for each Offeror; if not applicable, put “N/A”):

- (a) Acquisition Plan (AP) number _____, was prepared in accordance with **FAR 7.105**, **DFARS 7.105**, and **DARS 7.1**, and was approved on _____, by _____. Address changes, corrections and revised strategies between the AP and now.
- (b) Justification for Other than Full and Open Competition number _____, was prepared in accordance with **FAR 6.303** and was approved on _____ by _____.
- (c) Synopsis number _____, was prepared in accordance with **FAR 5.203**, and released to FedBizOpps on _____. If N/A, explain.
- (d) A Questionnaire and Certificate of Personal/Non-Personal Services, was prepared in accordance with **FAR 37.103(a)**, and approved on _____. If N/A, explain.
- (e) Solicitation # _____.
- (f) Proposal # _____.
- (g) Pre-Award Disclosure Statement – Cost Accounting Practices and Certification, in accordance with **FAR 30.201-3** and **FAR 30.202**, was executed by the offeror on _____. The cognizant ACO determined that said Disclosure Statement was current, accurate, and complete on _____.
- (h) Technical evaluation team briefed by the contracting officer on _____.
- (i) Technical evaluation dated _____ was obtained.
- (j) Field Pricing (DCAA, DCAA-Assist, DCMC, and/or other Cost & Price Analysis) support (report number) obtained in accordance with **FAR 15.404-2**. Yes _____ No _____ N/A
- (k) The offeror’s Accounting and Estimating System was determined on _____, by DCMC/DCAA to be adequate in accordance with **FAR 15.407-5**.
- (l) The offeror’s Purchasing System was determined on _____, by DCMC/DCAA to be adequate, in accordance with **FAR 44.304** and **DFARS 244.3**.
- (m) Pre-Contract costs, in accordance with **Subpart 32.205** were authorized on _____.
- (n) Approved Make or Buy Plan is on file, in accordance with **FAR 15.407-2** Yes _____ or No
- (o) EEO compliance, in accordance with **FAR 22.805**, has _____, has not _____ been requested and obtained. Only required over \$10 million).
- (p) When a proposed acquisition includes IT requirements, refer to the DISA CIO IT Investment Management Memorandum, 1 May 2000 (update scheduled for release October 2003).
 - A completed IT Investment Management Checklist is attached to acquisition package Yes _____ No _____
 - A completed Information Assurance/Security Checklist is attached to the acquisition package Yes _____ No _____
 - The Acquisition Plan, when required, includes all information relative to information assurance and traditional security in Section B.17 Yes _____ No _____
 - The Acquisition Plan, when required, includes all information technology investment management considerations in Section B.19 Yes _____ No _____
 - If the total estimated IT cost for the acquisition falls within the ASD(NII)/DOD CIO reporting thresholds, an Acquisition Plan or IT Acquisition Paper was forwarded to DISA CIO for review and submittal to the ASD(NII)/DOD CIO Yes _____ No _____

Government Furnished Facilities D&F approved in accordance with **FAR 45.302-1**. Yes _____, No _____, N/A _____. If no, explain.

(r) Independent Government Cost Estimate (IGCE) prepared by _____. It agrees with the PR funding profile and is well supported.

(s) Appropriated Funds for services are properly apportioned over the period of performance in accordance with **FAR 32.703-3** bona fide need rule and severability).

(t) Type of Contract D&F (including HCO approval for T&M) approved on _____. Include rationale for contractor/Government risk trade-off, cost/performance history, rationale for incentives, and unsuitability of other contract types especially discuss rationale for choice between T&M vs. other cost reimbursable types. Also discuss subcontract types.

(u) Competition: Rationale for competition structure. Extent of Competition solicited and secured.

Date:

RFP No:

Project Name:

**PRE-NEGOTIATION
BUSINESS CLEARANCE MEMORANDUM**

In accordance with FAR 15.406 and DFARS 215.406, the following information for the record and pre-negotiation objectives are established for this acquisition:

1. Contracting Office Code:
2. Funding Document/Purchase Request No.:
Funding Document/Purchase Request Amend No.:
Type of Funds:
Total Dollar Amount:

Funding Profile:

- a. Current period/year: \$
- b. Option period/year 2: \$
- c. Option period/year 3: \$
- d. Option period/year 4: \$

(NOTE: (FY and amount) _____ funds are subject to availability;
(FY and amount) _____ funds are for planning purposes only.)

3. Independent Government Cost Estimate (IGCE): An IGCE was furnished by (give individual's name, title, organizational and/or customer code) on (date) in the total amount of \$ _____.
4. Scope Determination: If this is a sole source contract modification, there is a requirement for a scope determination. This memo should fully document the basis used. Scope determination required: Yes () No ().
5. Solicitation and Amendments Summary:
6. Type of Action: (new contract, final pricing, or contract modification)
7. Planning Documents:
Advance Acquisition Plan, dated:
8. Synopsis Issued On:
9. Description of Item Being Acquired:

10. Required Delivery Date or Period of Performance:

11. Competition:

12. Small Business Set-Aside Information:

13. No Contractor appearing on the Debarred, Suspended and Ineligible Prospective Contractors List was issued a copy of the solicitation: Yes () No ().

14. Type of Contract: _____ The Contracting Officer, (insert name), approved the contract type on _____.

15. Required Approvals*:

- a. ASC Review, dated:
- b. Other Approvals:

* Any required modifications to any of the referenced acquisition documents should reflect both the revision and subsequent approval.

16. Background:

17. Delay(s) in Procurement Process:

18. Submission of cost and pricing data by Contractor(s) and Subcontractor(s): In accordance with FAR 15.406, the Contractor(s) and applicable subcontractor(s) have submitted cost and pricing data or request for waivers: Yes () No ().

19. Other Information Relative to Offeror(s): _____

20. Competitive Range Determination: In accordance with FAR 15.306, the contracting officer has determined that the following proposals are in the competitive range, for the reasons stated below:

The following proposal(s) was determined to be so deficient as to have no reasonable chance of being selected for award, as further described below:

21. Technical Analysis of Offers:

- a. Technical Terms and Conditions: A Technical Evaluation Report was received on
- b. The technical evaluation board consisted of
- c. The contracting officer briefed the technical evaluation board on

22. Objectives for Negotiation:

a. A clear and concise explanation of each issue raised in the technical evaluation should be addressed below. Also include a narrative of the thinking that establishes the Government's objectives as it relates to quality that should be expressed and evaluated for the following issues:

- (1) Technical Capability Issues:
- (2) Management Capability Issues:
- (3) Personnel Qualifications Issues:
- (4) Prior Experience Issues:
- (5) Past Performance Issues:
- (6) Schedule Compliance Issues:
- (7) Other Issues:

b. Cost/Price: In accordance with FAR 15.404-2 and DFARS 215.404-2, field pricing reports were/were not requested. Audit reports/rate verifications on the offerors are in the contract file. In addition to the discrepancies noted in the technical/management proposals, issues noted by the auditor will be included in the discussions with the offerors to be addressed in their final proposal revision. The auditors will participate in discussions: Yes () No ().

Company
Proposed Cost Elements

Government
Objective

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

Or

CLIN 0001

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

CLIN 0002

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

Direct Labor:
Overhead/G&A:
Materials/ODCs:
Profit/Fee:

Also include any supporting narrative that helps to establish the Government's pre-negotiation cost objectives.

23. Profit/fee analysis.

- a. Discuss the use of Weighted Guidelines in accordance with DFARS 215.404.
- b. Use of modified weighted guidelines and or alternate structured approach, state rationale:

Exhibit A to Subpart 15.406(S-90)

**Pre-Negotiation Business Clearance Memorandum
Signature/Approval Page**

(Date)

Contract Specialist

(Date)

Contracting Officer

(Date)

DITCO/AQSC2 Representative

PRE-NEGOTIATION OBJECTIVES - APPROVED:

(Date)

(Appropriate approval level)

Exhibit A to Subpart 15.406(S-90)

Date: _____
 RFP No. _____
 Project Name: _____

POST-NEGOTIATION BUSINESS CLEARANCE MEMORANDUM

In accordance with FAR 15.406 and DFARS 215.406, the following information for the record and results of negotiations/discussions are established for this acquisition:

1. Purpose of Post-Negotiation Business Clearance Memorandum is to document the principal elements of the negotiated agreement between the parties.
2. Resolution of Pre-negotiation Approval(s) and Condition(s):
 - a. Contractor's Purchasing Systems Review: Yes () No ()
 - b. Subcontracting Plan Review:
 - c. Others:

3. Negotiations/Discussions:

Negotiations/discussions were conducted from [date]_____to
 [date]_____.

4. The following individuals participated in the negotiations/discussions:

5. Summary of Negotiations/Discussions:

(State any differences in objectives and the accepted prices and any significant deviations from the objectives.)

- a. Technical issues discussed with each offeror:
- b. Cost Proposal Comparison: A comparison of the original proposed costs and the final revised costs follows:

Offeror	Original Proposal	Final Revised Price
---------	-------------------	---------------------

Cost issues discussed with each offeror were addressed as follows:

6. Submission of Certificate(s) of Current Cost or Pricing Data Exemption (FAR 15.4): If applicable, identify and state the basis for exemption: _____.

Exhibit B to Subpart 15.406(S-90)

7. The Contractor(s) has submitted a Certificate(s) of Current Cost or Pricing Data (see FAR 15.4), dated _____.
8. Receipt of Equal Opportunity Compliance Determination(s) (FAR 22.805):
9. Non-Disclosure Certificates have been signed by all members of the Technical Evaluation Panel: Yes () No ().
10. Funds Available for Requirements: \$_____.
11. Security: The Contractor(s) meets the requirements of the DD Form 254.
12. Responsibility: [Name(s) of Contractor(s)] has provided service under contract number _____ [Name(s) of Contractor(s)] has the financial resources and capability to perform the services in accordance with the terms, conditions, and specifications set forth in the contract.
13. Verification that the prospective awardee(s) is not on the List of Parties excluded from Federal Procurements and Non-Procurements:
Yes () No ().
14. Recommendation: Based on the above, it is recommended that contract(s) be awarded to [Name(s) of Contractor(s)] in the dollar amount(s) of _____ for [identify services or commodities] _____.

(Date)

Contract Specialist

15. *(May be modified as necessary)* Contracting Officer's Determination: Based on the foregoing, it is my determination that the proposed Contractor(s) is a qualified source and possesses the technical ability to perform, is financially capable, and is responsible within the meaning of FAR 9.103 and FAR 9.104. The proposed Contractor(s) has performed satisfactorily, technically and financially on previous contract(s) with the Government/this Agency. The proposed amount is fair and reasonable. Therefore, the recommendation to execute a contract with _____ for [performance period and dollar amounts] _____ is approved.

Exhibit B to Subpart 15.406(S-90)

(Date)

Contracting Officer

(Date)

(See DARS 15.406-3(S-92) for
appropriate approval level)

Waiver statement if applicable, otherwise delete:

"Approval of the BCM is not required, since the negotiated price is within the approved pre-negotiation objective, and there were no material changes to the pre-BCM terms, conditions, or assumptions."

Exhibit B to Subpart 15.406(S-90)

SUBPART 15.6—UNSOLICITED PROPOSALS

15.606 Agency procedures.

(a) & (b) All Heads of Contracting Offices (HCOs) (DARS Part 2) shall establish procedures and contact points within their respective offices for the receipt and handling of unsolicited proposals.

PART 16--TYPES OF CONTRACTS

Table of Contents

SUBPART 16.1-SELECTING CONTRACT TYPES

16.102 Policies

SUBPART 16.5-INDEFINITE-DELIVERY CONTRACTS

16.504 Indefinite quantity contracts

16.505 Ordering

SUBPART 16.6-TIME-AND-MATERIALS, LABOR-HOUR AND LETTER CONTRACTS

16.601 Time-and-material contracts

PART 16--TYPES OF CONTRACTS

SUBPART 16.1—SELECTING CONTRACT TYPES

16.102 Policies.

(S-92) For all task orders, documentation of the fair opportunity process for consideration will be retained by the DISA requirements office and a copy included in the task order file. For orders directed to an individual contractor, the contracting officer shall ensure that the determination required by FAR 16.505(b)(2) is retained with the task order or contract file.

SUBPART 16.5-INDEFINITE-DELIVERY CONTRACTS

16.504(a)(2). Indefinite quantity contracts. Funding for the minimum guarantee shall be obligated at time of contract(s) award (DARS 7.105(b)(4)).

16.505 Ordering.

(b)(5) The Director, AQ is delegated as the Agency Ombudsman for Agency task and delivery order contracts. When reviewing contractor complaints, the Agency Ombudsman ensures the procedures contained in the contract are in agreement with Agency guidance concerning “fair opportunity.”

**SUBPART 16.6—TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER
CONTRACTS**

16.601 Time-and-materials contracts.

(c) Limitations.

(1)(S-90) Contracting officers shall obtain written coordination on T&M D&Fs, as well as the continued use of T&M contracts on annual determinations (or exercise of option years), at one level above the contracting officer. This requirement is applicable to any contract that contains one or more T&M CLIN(s).

PART 17--SPECIAL CONTRACTING METHODS

Table of Contents

SUBPART 17.1-MULTI-YEAR CONTRACTS

- 17.104 General.
- 17.106 Procedures
- 17.106-3 Special procedures applicable to DOD, NASA and the Coast Guard

SUBPART 17.2--OPTIONS

- 17.207-90 Exercise of Options

SUBPART 17.5-INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT

- 17.500 Scope of Subpart
- 17.501-90 Definitions
- 17.502-90 IT and NSS Reporting Requirements
- 17.503 Determination and findings requirements
- 17.504-90 Ordering procedures for outgoing MIPRs
- 17.504-91 Ordering procedures for incoming MIPRs

SUBPART 17.90-GRANTS AND COOPERATIVE AGREEMENTS

- 17.9000 Authority
- 17.9001 Definitions
- 17.9002 Policy

SUBPART 17.91-PRODUCT LOAN AGREEMENT

- 17.9100 General
- 17.9101 Policy

PART 17--SPECIAL CONTRACTING METHODS

SUBPART 17.1-MULTI-YEAR CONTRACTS

17.104 General.

(b) For multi-year contracts, the HCA may authorize modification of the requirements of this subpart and the clause at 52.217-2, Cancellation Under Multi-year Contracts.

17.106 Procedures.**17.106-3 Special procedures applicable to DoD, NASA, and the Coast Guard.**

(e) The authority to authorize recurring costs in cancellation ceilings for multi-year contracts is delegated to the HCA.

SUBPART 17.2—OPTIONS**17.207-90 Exercise of Options.**

(a) The requirements office will send the contracting officer a request to exercise an option and validate the requirement (statement of need).

(b) Timeline: The contracting officer must receive the request far enough in advance to allow sufficient time to send the contractor notice of intent to exercise the option under FAR 17.207(a), and before synopsis (FAR 17.207(c)(4)) if the synopsis of the option is necessary because the option was not previously addressed in the synopsis of the basic contract requirement.

(c) In addition to the statement of need, the request must include the following:

(1) **Market Research**. Document all market research conducted and the results (FAR/DARS Part 10).

(2) **Past Performance**. Provide relevant *raw data* for past performance of the contractor (FAR/DARS Part 42.15)

(3) **Availability of Funds**. Provide evidence that funds will be available upon exercise of option (e.g., Program Plan).

(d) Required markings, centered, top/bottom: "SOURCE SELECTION INFORMATION-- FAR 3.104"

(e) Electronic submission is required using signed/encrypted e-mail. See DISAI 630-230-30 for e-mail security practices for the transmission of sensitive but unclassified information.

(f) The contracting officer must discuss compliance with DARS 16.601 in the D&F if exercising options under a T&M contract.

SUBPART 17.5—INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT**17.500 Scope of subpart**

(b)(1) Reimbursable supplies and services provided to DISA by another agency may require an Individual or Class Determination and Finding (D&F) and/or a support agreement (DD Form 1144) to support the Economy Act order. (DFARS 217.500(b), DODI 4000.19, “Interservice and Intragovernmental Support,” dated 9 August 1995 and DISAI 640-50-6, “Interservice and Intragovernmental Support,” dated 22 February 2000 for more information regarding support agreements).

(2) Authority to acquire under this subpart on behalf of DISA typically involves Military Interdepartmental Purchase Requests (MIPRs), DD Form 448, or “Reimbursable Agreement/Order for Services between Federal Agencies” (ROs), DISA Form 125. (NOTE: This subpart does not apply to MIPRs coded “MZ” used to transfer funds within DISA. See DARS 208.7005 for MIPR/RO policy).

(S-90) The HCA and HCO are the points of contact for all Individual and Class Economy Act D&Fs within DoD under this subpart. See DARS 17.503, Table 17-1 for D&F approval authorities. In addition, the HCA and HCO will ensure that the requirements official has conducted market research to include reviewing existing DISA contracts to determine their applicability to fulfill the customer’s requirement(s). By approving the Economy Act D&F, the HCA, HCO or designee have deemed another agency’s contracting vehicle a reasonable alternative and it is not in the best interest of the Government to use DISA’s contracting office(s)/contracting vehicles.

(S-91) The Chief Financial Executive/Comptroller (CFE) is the point of contact for all support agreements. See DISAI 640-50-6 for required coordination and approval for support agreements.

(S-92) The requirements office should determine Economy Act applicability early during the acquisition planning process. Appendix C, Considerations for Determining Economy Act Applicability provides Economy Act D&F/Support Agreement applicability, exemptions and agencies not covered by the FAR, as well as Economy Act applicability for Multi-agency Contracts (MACs) and Government-wide Acquisition Contracts (GWACs). Copies of “Approved Class Economy Act D&Fs” are located at <http://www.disa.mil/acq/aqinfo.html> and may be used, if applicable, to procure recurring services and supplies.

(S-93) The following methods are available for procuring supplies and services from agencies, both within and outside DoD: (NOTE: The Economy Act does not apply to orders placed on another agency’s contract by a DISA contracting officer via a Purchase Request).

- *Interservice Support (DoD Instruction 4000.19): Obtaining reimbursable support from within DOD.*

(a) Economy Act order, with individual D&F, when obtaining single item or a one-time purchase of services or supplies.

(b) Economy Act order, using a class D&F, for recurring services and supplies which result in contract actions.

(c) Support Agreement, pursuant to DoDI 4000.19, when obtaining recurring supplies or services. In these cases the following language must be included in the agreement to meet the D&F requirements established by FAR 17.503.

“This agreement is consistent with and is entered into under the statutory authority of the Economy Act (31 U.S.C. § 1535). Further the Determination and Finding (D&F) requirements outlined in FAR 17.503 are hereby satisfied by this agreement.”

- *Intragovernmental Support*: Obtaining reimbursable support from *non-DoD* (outside DoD) federal agencies.

(a) Economy Act order, with individual D&F, when obtaining single item or a one-time purchase of services or supplies.

(b) Economy Act order, using a class D&F, for recurring services and supplies that result in contract actions.

(c) Support Agreement, pursuant to DODI 4000.19, when obtaining recurring supplies or services. In these cases the following language must be included in the agreement to meet the D&F requirements established by FAR Section 17.503.

“This agreement is consistent with and is entered into under the statutory authority of the Economy Act (31 U.S.C. § 1535). Further the Determination and Finding (D&F) requirements outlined in FAR 17.503 are hereby satisfied by this agreement.”

(S-94) The D&F determination shall be consistent with the statutory authority of the Economy Act (31 U.S.C. § 1535), and will be incorporated into the Agreement or D&F/Economy Act requirements as outlined in FAR 17.503 as follows:

(a) Use of this interagency acquisition is in the best interest of the Government and the supplies/services cannot be obtained as conveniently or economically by contracting directly with a private source.

(b) If the agreement requires a contracting action by the servicing agency, it must include one of the following statements as applicable:

1. The acquisition will appropriately be made under an existing contract of (*insert name of servicing agency*), entered into before placement of the order, to meet the requirements of (*insert name of servicing agency*), for the same or similar supplies/services; or

2. *(Insert name of the servicing agency)* has capabilities or expertise to enter into a contract for such supplies/services which are not available within DISA; or

3. *(Insert name of the servicing agency)* is specifically authorized by law or regulation to purchase such supplies/services on behalf of other agencies.

(a) *A D&F is required, unless--*

(1) A more specific statutory authority exists, for example:
Required sources of services/supplies prescribed in FAR Part 8;

(2) The support is provided via GWAC (NOTE: D&F required for MACs; or see other examples of exemptions in Appendix C.

(3) The support is a micro-purchase defined in FAR 2.101.

(b) Support agreement is required unless--

(1) A statutory authority other than the Economy Act authorizes supplies/services;

(2) A single item or one-time service is obtained;

(3) An intragovernmental sale is specifically directed or authorized by law; or

(4) The sale is for Defense Working Capital Fund (DWCF) mission products and services. DISAI 640-50-6, paragraph 7.2.3 describes sales of DISA DWCF mission products and services.

17.500-90 Definitions.

“Designees” means an individual who concurs on an Economy Act D&F. This individual should only be used in instances where the Economy Act order is placed by a field office, i.e. geographically separate from Headquarters. “Recurring Services and Supplies” means regularly or frequently acquiring the same or similar services/supplies from the same servicing agency.

“Servicing Agency” means an external organization with contracting authority to place a contract against one of its existing in-house contracts.

17.502-90 IT and NSS Reporting Requirements.

When acquiring information technology (IT), including National Security Systems (NSS) IT in an amount exceeding the thresholds in DARS 39.101(S-93), apply the Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD(NII)) reporting requirements specified in that section.

17.503 Determination and finding requirements: Individual and Class.

(a) The Class Economy Act D&Fs will preclude the need to develop individual Economy Act D&Fs. The Class D&F will simplify and streamline the process by allowing customers to provide a brief justification prior to using the Class D&F. Concurrence and Approval authorities for Economy Act D&Fs a.k.a. *Economy Act orders* are provided in Table 17-1. In each of these instances the HCA/HCO should seek the advice and guidance of the respective contracting officer prior to approving or recommending approval to the Vice Director or SPE. Designees should be used in situations where the Economy Act order is placed by a field office. The designees can be used to sign the Economy Act D&F provided the contracting activity that supports them is a DISA field office.

Table 17-1

INDIVIDUAL ECONOMY ACT D&Fs

Concurrence and Approval Authorities

Individual D&Fs:	Amount	Concurrence	Approval
<i>Within DOD</i>	Less than \$100,000*	1) Deputy Principal Director of the Requirements Office or Designee ** + 2) Agency Competition Advocate ***	Head of the Contracting Offices (HCOs) **
<i>Within DOD</i>	\$100,000 or more	1) Deputy Principal Director of the Requirements Office or Designee ** + 2) Agency Competition Advocate ***	Head of Contracting Activity (HCA) **
Outside of DoD	Any amount	1) Deputy Principal Director of the Requirements Office or Designee ** + 2) Agency Competition Advocate *** 3) HCA	Vice Director (SPE Designee) **

* Under \$100K approved by HCO to support the DISA Field Offices.

** Concurrence to MIPR of funds without a contract vehicle
(i.e. work performed by Government employees).

*** Concurrence/Approval by the Agency Competition Advocate on DISA Form 9.

INDIVIDUAL
DETERMINATION AND FINDINGS
ECONOMY ACT ORDER
(Under \$100K within DoD)

Title of Effort:	Provide title of the statement of work or requirement.
Requesting Agency:	Name and Organization Code of the requiring office
Servicing Agency:	Name and Organizational Code of the contracting activity and whether it is a DoD activity and/or complies with the FAR and DFARS
Type of Effort:	Describe the type of services/products to be acquired.
Location of Effort:	Provide the performance location(s).
Total Cost:	Insert the dollar amount and type of funds.
Period of Performance:	Insert performance period as days or months after contract award unless start date is known.
Performing the Work:	Provide the percentage of work that will be performed by the prime contractor and its subcontractors. If Government employees will perform some of the effort, also include their percentage of effort.
Recurring Requirement:	If the requirement is recurring and it will result in a contract action by the performing activity, prepare a Class D&F or a Support Agreement.
Title of Program Plan:	Include Title of Program Plan and its cost/line item number.
Rationale:	Explain the rationale and benefits of procuring from another agency. The rationale should be concise, clear and convincing and should include market research.
Contract Number:	Include the contract number and contractor's name.
Requirements POC:	Provide the name, code, position title, and telephone number.

DETERMINATION

In accordance with 31 U.S.C. 1535 and FAR 17.503, it is my determination to place the following order for supplies/services pursuant to the Economy Act.

FINDING

1. Based on the information provided, it has been determined that an interagency acquisition is in the best interest of the Government. The services cannot be obtained from any other source, since (*--contractor--*) has the capabilities and expertise (*--describe the contractor's specific expertise--*), which is not available at DISA; and obtaining supplies/services cannot be obtained as conveniently or economically by contracting with DISA, as contracting directly with a private source.

2. The acquisition will appropriately be made under an existing contract of the *contractor*, entered into before placement of the order, to meet the *contractor* requirements of the servicing agency for the same or similar services.

Deputy Principal Director: Deputy Principal Director's signature is certification that the requirement is valid and the proposed acquisition strategy or approach is in DISA's best interest.

Signature: _____

NAME

DATE

RANK

TITLE

APPROVAL: (DARS 17.503(a))

Signature: _____

HEAD OF THE CONTRACTING ACTIVITY
OR HEAD OF CONTRACTING OFFICE

DATE

CLASS
DETERMINATION AND FINDING
FOR ECONOMY ACT ORDER
(*\$0 to \$500K within DoD*)

Requesting Agency: Name and Organization Code of the requesting agency.

Servicing Agency: Name and Organizational Code of the contracting activity and whether it is a DoD activity and/or complies with the FAR and/or DFARS.

Type of Effort: Provide the type of services/supplies that will be acquired.

Location of Effort: Provide the performance location(s).

Total Cost: Insert the dollar amount and type of funds.

Expiration Date: Provide the date the Class D&F will expire.

Rationale: Since you are going outside of the agency, provide the reasons and benefits for proposing that strategy. This section's information should be concise, clear and convincing.

DETERMINATION

In accordance with 31 U.S.C. 1535 and FAR subparts 1.7 and 17.5, it is my determination to place the following order for supplies/services pursuant to the Economy Act.

FINDING

1. Based on the information provided, it has been found that an interagency acquisition is in the best interest of the Government, and the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source.
2. If the (*--requiring office--*) must contract for these supplies and services, then either a) the acquisition will appropriately be made under an existing contract of (*--insert the servicing agency--*) entered into before placement of the order, to meet the requirements of (*--the servicing agency--*) for the same or similar supplies or services or b) (*--the servicing agency--*) has the capabilities or expertise to enter into a contract for such supplies or services which is not available within DISA.

APPROVAL: (APPROVAL—DARS 17.503(A) & 17.504-90(I))

Signature: _____
HEAD OF THE CONTRACTING ACTIVITY

DATE

OR DESIGNEE

(S-93) A number of Class D&Fs have been approved. A list and summary descriptions of the approved Class D&Fs are located at <http://www.disa.mil/acq/aqinfo.html>.

(a) National Security Agency: Secure communications equipment, limited to COMSEC equipment, secure telephone equipment, encryptors, mounting racks, and IT. In addition National Security Agency conducts studies on the emerging digital wireless services and its impact on National Security/Emergency Preparedness.

(b) U.S. Navy Space and Naval Warfare Systems Command (SPAWAR): Technical support services limited to software development and technical analysis, and support services for integrated command, control, communications, computer intelligence and surveillance systems. SPAWAR also provides information technology for a variety of space and satellite systems.

(c) U.S. Army Communications-Electronics Command: A variety of technical support services limited to programmatic guidance for the development and implementation of satellite systems for the STEP Program, installation and upgrade services for the Defense Satellite Communications Systems, upgrade of digital switches and other supplemental services.

(d) U.S. Air Force Ogden Air Logistics Center: A variety of technical support services limited to secure voice switches, logistics support, software and maintenance to support National Security/Emergency Preparedness (NS/EP) Telecommunications and Interoperability Programs, and continued studies in standards development and maintenance. In addition a variety of equipment needs to include switch equipment, upgrades and installations.

17.504-90 Ordering Procedures for Outgoing MIPRs.

(a) Preparation. The PM/AM, i.e., requirements office, prepares an Economy Act D&F. The D&F may be prepared when obtaining a single item, one-time supplies/services, or a Class D&F for recurring requirements for the same servicing agency.

(b) Market Research. The use of the D&F does not relieve the customer from performing market research to determine if any existing in-house DISA contract can satisfy the requirement.

(c) Individual Economy Act D&Fs under \$100,000, *within DoD* require the AM/PM, (i.e. requiring official) to forward the Economy Act D&F to the HCO. If the servicing activity is *not within DOD* and is subject to the FAR concurrence of the Deputy Director of the Requirements Office, Agency CA, AQ/HCA, and the approval of the Vice Director (SPE Designee) is required.

(d) Justification for Class D&Fs. Proposed Class D&Fs will require a separate justification, including: the servicing agency's contract number, market research, and the estimated amount. The justification should also support one or more of the following preconditions: (1) no existing DISA contract that can satisfy the requirement, and/or (2) DISA does not have in-house contracting capability to satisfy the requirement. In addition, the justification will also include one or a combination of the three statutory requirements (DARS 17.500(S-94)(b)).

(e) Justification Review for Class D&Fs. The justification will be forwarded to AQ12 for review and concurrence. Subsequently a copy of the justification for the Class D&F should be forwarded to the appropriate contracting officer. After approval is granted, AQ12 provides a reference number to the requiring activity through their respective Acquisition Liaison. This approval/reference number should be affixed on the MIPR document for reference and tracking purposes. The requiring activity subsequently forwards the MIPR through its respective budget office to the servicing Activity.

(f) Individual vs. Class D&Fs. For all D&F Economy Act Determinations that do not fall *below the \$100,000* threshold or have an *approved Class D&F* the requiring official will be required to prepare an Individual (for non-recurring requirements) or another Class D&F (for recurring requirements). The sample format for both the Individual and Class D&F are at DARS 17.503 (S-91) and (S-92).

(g) When acquiring Information Technology (IT), including National Security Systems (NSS) IT, apply the Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) (OASD (NII)) reporting requirements specified in that section.

(h) Legal Review. Review of Individual D&Fs by DISA's GC is at the discretion of the approving authority. All Class D&Fs will be reviewed by GC prior to approval. See DISAI 640-50-6 for guidance pertaining to GC review of all support agreements.

(i) Signature Format. For Individual and Class D&Fs outside DoD, the HCA/HCO signs the D&F in the space provided above the "APPROVAL" block. The HCA/HCO signature constitutes recommendation for approval instead of approval. The Vice Director (SPE Designee) as appropriate signs as the approval authority.

17.504-91 Ordering procedures for Incoming MIPRs.

All incoming MIPRs shall be coordinated (via e-mail or otherwise) with the cognizant contracting officer and/or HCO prior to acceptance by the Comptroller.

SUBPART 17.90—GRANTS AND COOPERATIVE AGREEMENTS**17.9000 Authority.**

The HCA is delegated the authority to select, appoint, and terminate grants officers within DISA. This authority to award grants and cooperative agreements flows from DoD Directive 3210.6 and Interim-Guidance Draft of Defense Grant and Agreement Regulatory System (DGARS) DoD 3210.6-R.

17.9001 Definitions.

Cooperative Agreement. A legal instrument used to enter into the same kind of relationship as a grant, except that **substantial involvement is expected** between the Agency and the recipient when carrying out the activity contemplated by the cooperative agreement.

Defense Grant and Agreement Regulatory System (DGARS). A system of policies and procedures to guide DoD grants and cooperative agreements. It also governs other non-procurement transactions, where provisions so indicate.

Grant. A legal instrument used to enter into a relationship, the principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Agency's direct benefit or use. Further, it is a relationship in which **substantial involvement is not** expected between the Agency and the recipient when carrying out the activity contemplated by the grant.

Grants Officer. Individual authorized in writing by the HCA to enter into, administer, or terminate grants. Only grants officers shall sign such legal instruments on behalf of the Agency. Grants officers may bind only to the extent of the authority delegated to them.

17.9002 Policy.

(a) All requests for appointment of a grants officer shall be submitted to AQ12 for processing to the HCA for approval.

(b) Candidates must complete at least one training course oriented to grants and cooperative agreements, and become knowledgeable of the DoDGARs, prior to appointment.

(c) Grant officer appointments will be issued via memorandum signed by the HCA.

SUBPART 17.91—PRODUCT LOAN AGREEMENTS**17.9100 General.**

Product Loan Agreement (PLA) is a convenient vehicle for the Government to test and evaluate commercial and developmental items for a specified period of time. The Agreement allows the Government to use the product(s) on a no-cost basis for demonstration, testing, and assessing various product(s) in the marketplace.

17.9101 Policy.

- (a) The cognizant requirements office develops and initiates the PLA.
- (b) The contracting officer must coordinate any revisions to the PLA with local legal counsel. If any revisions are made, the PLA must also contain the signature of legal counsel. The contracting officer maintains the official PLA file.
- (c) The contracting officer is the only individual authorized to enter into, administer, and terminate PLAs on behalf of the Government. Unauthorized signatures on PLAs could be subject to Anti-deficiency violations.
- (d) The required format for PLAs is set forth below:

PRODUCT LOAN AGREEMENT

I. This Agreement sets forth the terms and conditions under which the Defense Information Systems Agency (DISA), (hereinafter, "the Government") shall accept without cost the loaned product(s) (hereinafter, "products") listed below from _____ (hereinafter, "the Contractor") for testing and evaluation.

<u>Quantity</u>	<u>Type</u>	<u>Description</u>
-----------------	-------------	--------------------

II. The product(s) listed in paragraph I above shall be delivered to _____ on or about _____ (day/month/year). The Government shall acknowledge receipt of the product(s) in writing, and retain a copy of the acknowledgment.

III. The Contractor shall bear the cost of transporting the product(s) to and from the address listed in paragraph XII and all risk of loss while they are being transported.

IV. The Government is hereby authorized to perform whatever testing it deems necessary to evaluate the products, and shall be under no obligation to pay the contractor for their use. Testing by the Government is subject only to the following limitation:

The contractor grants to the Government a nonexclusive, nontransferable license to use, perform, and execute any product(s) delivered hereunder in connection with the testing and evaluation of the product(s). No other rights expressed or implied are granted.

V. No copies of the product(s) shall be made without the prior express written consent of the contractor.

VI. Ownership of the product(s) shall, at all times, remain with the contractor.

VII. The Government shall not be liable for damage, destruction or loss of the product(s).

VIII. In the event that damage occurs to Government property solely as a result of the use of the product(s), the contractor shall be liable, at the Government's election, for repair or replacement of the damaged property.

IX. The Government shall return the product(s) on or before _____(day/month/year).

X. The contractor shall acknowledge return of the product(s) by providing a written receipt on the date the Government surrenders possession of the product.

XI. THE GOVERNMENT DOES NOT INTEND TO AWARD A CONTRACT ON THE BASIS OF THIS AGREEMENT AND SHALL NOT PAY FOR THE TESTING AND EVALUATION OR ANY EXPENSES INCURRED BY THE CONTRACTOR IN CONNECTION THEREWITH, EXCEPT AS STATED ABOVE. THE GOVERNMENT HAS MADE NO REPRESENTATIONS RELATIVE TO FUTURE ACQUISITIONS OF THE LOANED ITEMS. INFORMATION CONCERNING FUTURE ACQUISITIONS IS TO BE OBTAINED FROM THE CONTRACTING OFFICER IN COMPLIANCE WITH THE FEDERAL ACQUISITION REGULATION, PART 5, PUBLICIZING CONTRACT ACTIONS.

XII. The use of the product(s) under this PLA shall be for official Government business only. The place or location for demonstration and/or evaluation is listed below:

Requirements Office Code: _____
Phone #: _____ email address: _____
Address: _____

XIII. This Agreement constitutes the sole and entire understanding between the parties pertaining to the loan of product(s) listed in paragraph I above.

XIV. The undersigned on behalf of the Government and the contractor have read the terms of this agreement, understand the terms and agree to abide by them.

Signature of Contractor

Name/Company/Title of Signer (Type or Print)

Date

Signature of Contracting Officer

Name/Office/Code of Signer (Type or Print)

Date

THE BELOW SIGNATURE IS REQUIRED IF THIS PLA HAS BEEN REVISED:

Signature of Legal Counsel

Name/Office/Code of Signer (Type or Print)

Date

cc: Requirements Office

PART 18

RESERVED

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program

19.705-2 Determining the need for a subcontracting plan

SUBPART 19.5-SET-ASIDES FOR SMALL BUSINESS

19.505 Rejecting Small Business Administration recommendations.

(b) The designee is the cognizant HCO.

SUBPART 19.7-THE SMALL BUSINESS SUBCONTRACTING PROGRAM

19.705 Responsibilities of the contracting officer under the subcontracting assistance program.

19.705-2 Determining the need for a subcontracting plan.

19.705-2(c) If the contracting officer determines a subcontracting plan is not required, then a Determination and Findings (D&F) shall be prepared in accordance with the format entitled “Non-inclusion of Small Business and Small Disadvantaged Business Subcontracting Plan.” A copy of the D&F and all supporting documentation shall be provided to the Small Business Specialist (SBS) electronically for advisory comments. Upon receipt of the SBS comments, the contracting officer’s D&F shall proceed with the approval required by FAR 19.705-2(c). The approval level above the contracting officer is the Division Chief. FAR 19.702(2)(b) identifies four situations where subcontracting plans are not required. A D&F for “Non-Inclusion of Small Business and Small Disadvantaged Business Subcontracting Plan” is not required for a procurement covered by one of these exemptions.

DETERMINATION AND FINDINGS

NON-INCLUSION OF SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS
SUBCONTRACTING PLANDETERMINATION

Based on the findings stated below and pursuant to Public Law 95-507, FAR 19.702(b), and FAR 19.705-2(c), I hereby determine that a Small Business Plan is not applicable to this procurement.

FINDINGS

Public Law 95-507 and FAR 19.702(a) require that all applicable contracts in excess of \$500,000 (\$1,000,000 for construction) have an approved Small Business and Small Disadvantaged Business Subcontracting Plan. The prospective contractor for (identify contract/order number); or the contractor for contract modification (identify contract number/contract modification number) is _____. The total estimated amount of the contract action is \$ _____. The scope of work covers _____. The prospective contractor/contractor is exempt from submission of a Small Business and Small Disadvantaged Business Subcontracting Plan for the following reason(s):

(_____) Subcontracting possibilities do not exist for the proposed contractual action.

Contracting officer

Date

Concur/Nonconcur:

Small Business Specialist

Date

Approved:

Division Chief

Date

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PART 21

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PART 22--APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

SUBPART 22.1-BASIC LABOR POLICIES

22.101 Labor relations.

22.101-3 Reporting labor disputes.

(a) After becoming aware of labor disputes (actual or potential) involving a contractor who has a contract with DITCO, the appropriate contracting officer will take prompt action consistent with the following instructions.

(1) Notify local legal counsel and the HCO by the most expeditious means. (When possible, the HCO should be given an in-depth briefing regarding the actual or potential labor disputes by the appropriate contracting officer).

(2) Notify the affected customers by message or letter of the actual or potential labor disputes that could delay, or threaten to delay the timely contract performance.

(b) Local legal counsel will furnish all pertinent information relating to actual or potential labor disputes promptly to the HCA and the DISA Labor Advisor. The Labor Advisor for DISA is the GC. This information should be provided by telephone. No additional written confirmation will be required unless specifically requested by the DISA Labor Advisor.

SUBPART 22.3—CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

22.302 Liquidated damages and overtime pay.

(c) The authority to provide remedies for inadvertent violations of Contract Work Hours and Safety Standards Act relating to liquidated damages and overtime pay is delegated to the HCA

**PART 23--ENVIRONMENT, CONSERVATION, OCCUPATIONAL
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24.9000 Policy

PART 24--PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 24-90—RELEASE OF INFORMATION CONCERNING DISA CONTRACTS OR CONTRACT-RELATED MATTERS

24.9000 Policy.

(a) No DISA employee civilian or military shall make any statement, issue any opinion, or support any belief about any DISA contract or any matter reasonably relating to a contract unless that person is the cognizant contracting officer or authorized designee.

(b) Upon receipt of a request under this subpart, the DISA employee shall provide the requester with the name of the DISA FOIA Office (GC). Advise requester(s) that the FOIA Office is the focal point of all such information and that official information may only be released through the FOIA Office or their authorized designee.

(c) This policy does not apply to those infrequent situations in which a DISA employee may be under court order, subpoena, or otherwise directed to provide such information in a matter under litigation. All such situations should be directed to the FOIA Office, before the release of any information occurs or before any appearance, testimony, or other statement before any tribunal.

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SUBPART 27.2-PATENTS

27.203-6 Clause for Government waiver of indemnity.

PART 27--PATENTS, DATA, AND COPYRIGHTS

SUBPART 27.2-PATENTS

27.203-6 Clause for Government waiver of indemnity.

The HCO is the Agency designee to approve the contracting officer's written determinations to exempt one or more specific U.S. patents from the patent indemnity clause.

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PART 28--BONDS AND INSURANCE

SUBPART 28.1—BONDS

28.101 Bid guarantees.

28.101-1 Policy on use.

(c) The HCA is delegated the authority to authorize a waiver of bid guarantee if not in the best interest of the Government for a class of acquisitions.

28.106 Administration.

28.106-6 Furnishing information.

(c) The HCA is delegated the authority to provide a certified copy of the performance bond to an interested party and determine the costs for preparing the certified copy of the bond.

28.203-7 Exclusion of individual sureties.

The designee is the HCA.

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31.205 Selected costs.

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PART 31--CONTRACT COST PRINCIPLES AND PROCEDURES

SUBPART 31.1-APPLICABILITY

31.101 -- Objectives.

The designee is the HCA

SUBPART 31.2-CONTRACTS WITH COMMERCIAL ORGANIZATIONS

31.205 Selected costs.

31.205-32 Pre-contract costs. Authorization of pre-contract cost shall be approved by the Head of the Contracting Office (HCO).

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32.407	Interest.

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32.901	Applicability.
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PART 32--CONTRACT FINANCING

SUBPART 32.4 -- ADVANCE PAYMENTS FOR NON-COMMERCIAL ITEMS

32.402 General.

(c)(1)(iii) The HCA is the “designee.”

32.407 Interest.

(d) The HCA is the “designee.”

SUBPART 32.9-PROMPT PAYMENT

32.901 Applicability.

When an order is placed or a contract awarded against an existing telecommunications tariff, the terms of the tariff prevail regarding prompt payment. Normally the tariff addresses the late payment period and the calculation of the interest charge. Where the tariff is silent, the Prompt Payment Act terms and conditions apply. Contracts containing tariffed rates specially filed for the Government shall be subject to the Prompt Payment Act.

32.905 Invoice Payments.

(h) Billing office. The designated billing office shall immediately annotate each invoice with the actual date it receives the invoice. The designated billing office responsible for annotating the invoice with the actual date of receipt shall also clearly identify its organization/office code (e.g., DITCO-Scott/AQSC4, DITCO-Pac/AQP2) on the invoice.

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PART 33--PROTESTS, DISPUTES, AND APPEALS

SUBPART 33.1-PROTESTS

33.103 Protests to the agency.

33.103(f)(1) The approving official for the justification/determination is the HCA. Approval requests shall be forwarded to the HCA electronically and be routed through the HCO and local legal counsel, and the SADBU if the protester is a small business.

33.103(f)(3) The approving official for the justification/determination is the HCA. Approval requests shall be forwarded to the HCA electronically and be routed through the HCO and local legal counsel (and the SADBU if the protester is a small business).

33.103(S-90) Upon receipt of a protest, the contracting officer must immediately advise the HCO, local legal counsel, and the Activity Competition Advocate. The contracting officer shall make a best effort to provide a written decision to the protester within 35 calendar days after receipt of the protest. The written decision shall be sent to the protester by certified mail. The decision, with all supporting documentation, shall be coordinated with local legal counsel. If the protest involves competition, coordination shall also be obtained from the Activity Competition Advocate. Supporting documentation should, as a minimum, include a copy of the following:

The protest;

The offer submitted by the protesting offeror;

The offer which is being considered for award or which is being protested;

The solicitation, including the specifications or portions relevant to the protest;

The price/cost analysis or abstract of offers;

Any other documents which are relevant to the protest;

A statement signed by the contracting officer setting forth findings, actions, and recommendations; and

Any additional evidence or information deemed necessary in determining the validity of the protest.

SUBPART 33.2-DISPUTES AND APPEALS

33.211 Contracting officer's decision.

(a) The contracting officer must obtain prior coordination from local legal counsel and the HCO prior to issuing a final decision.

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34.003 Responsibilities

PART 34-MAJOR SYSTEM ACQUISITION

Subpart 34.0-GENERAL

34.003 Responsibilities.

(a) The DISA Component Acquisition Executive (CAE) is the “designee.”

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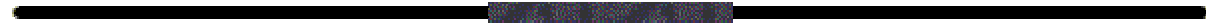
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PART 36--CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 36.2-SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

36.213-2 Pre-solicitation Notices.

(a) The HCA is the “designee.”

SUBPART 36-6—ARCHITECT-ENGINEER SERVICES

36.602 Selection of firms for architect-engineer contracts.

36.602-4 Selection authority.

(a) The HCA is delegated the authority to act as final selection authority for architect-engineer services.

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SUBPART 37.1-SERVICE CONTRACTS--GENERAL

- 37.113 Severance Payments to Foreign Nationals.
- 37.113-1 Waiver of Cost Allowability Limitations.
 - (a) The designee is the HCA.

SUBPART 37.5-MANAGEMENT OVERSIGHT OF SERVICE CONTRACTS

- 37.503 Agency-Head Responsibilities.
 - The designee is the HCA.

PART 38--FEDERAL SUPPLY SCHEDULE CONTRACTING

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39.201(S-90)	Section 508 Compliance
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PART 39--ACQUISITION OF INFORMATION TECHNOLOGY

SUBPART 39.1—GENERAL

39.002 Definitions.

Information Technology (IT) Acquisition. Acquiring IT, including National Security System (NSS) IT, by any method including contract, grant, cooperative agreement, international agreement, interagency (Economy Act) orders (DARS 17.5) or any "other transactions."

39.101 Policy.

(S-90) DISA's Office of the Chief Information Officer (OCIO) establishes policies and procedures to implement the Clinger-Cohen Act of 1996. This subpart contains IT policy as it relates to DISA Acquisition Plans (APs) discussed in DARS Part 7.

(S-91) OCIO Information Technology (IT), Information Management (IM), and Information Assurance (IA) policies and procedures implement/supplement Office of the Assistant Secretary of Defense (Networks and Information Integration) (OASD(NII)) IT investment management policy and procedures. These policies and procedures are located on the DISA Datahouse at <https://datahouse.disa.mil/>.

(S-92) **Address IT, IM, and IA requirements in APs.** Review OCIO policy for specific requirements, (DARS Part 7), and/or contact the OCIO for more information. The DISA OCIO participates as a stakeholder in IPTs to review and provide guidance in developing the IT/IM/IA section of APs.

(S-93) OASD(NII) reporting requirements for IT including NSS IT acquisitions under the IT investment management procedures follow:

(a) Thresholds for reporting are \$30M or greater when competitive and \$3M or greater when other than full and open. These reporting thresholds apply to each "individual plan of action (POA)" and not the "cumulative value" of all POAs under an AP. NOTE: These thresholds apply when using any of the methods to acquire IT/NSS IT discussed in the definition for IT acquisition at DARS 39.002.

(b) Approaches for reporting IT and NSS IT acquisitions to OASD(NII) are delineated in the Memorandum of Agreement between the DISA CIO and OASD(NII) (Tailored IT Investment Management Procedure). Approaches include--

- (1) briefing the AP to OASD(NII) staff members,
- (2) OASD(NII) staff member(s) joining DISA IPTs, or
- (3) submitting a copy of the approved AP to the OCIO for submission to the appropriate OASD(NII) office.

-The Program Manager (PM)/AM shall contact the OCIO to determine the appropriate reporting approach.

(c) For those IT, including NSS IT acquisitions previously reviewed/approved by the OASD(NII) staff, the PM/AM shall submit Information Technology Substantive Actions/Issues Report to the OCIO to report contract award and any substantive actions or issues. The OCIO submits the report to the appropriate OASD(NII) office. (NOTE: There is no reporting requirement for task/delivery orders within the scope of an IT/IM acquisition previously reviewed by the OASD(NII) staff.)

(d) Examples of substantive acquisition actions/issues include:

- (1) Contract award
- (2) Protest/dispute
- (3) Significant technical scope change
- (4) Significant strategy/plan change
- (5) Breach to performance baseline
- (6) Congressional inquiry/reply

(e) Reporting requirements under OASD(NII) IT investment management procedures do not apply to IT acquisitions, including NSS IT acquisitions, that "exclusively support a Major Automated Information System (MAIS) and/or Major Defense Acquisition Program (MDAP)."

Insight/reporting requirements for a MAIS Program and MDAP are addressed in key forums such as the IT Overarching Integrated Product Team process, DoD Directive 5000.1 and DoD Regulation 5000.2-R in addition to OASD(NII) policy memorandums.

39.2-ELECTRONIC AND INFORMATION TECHNOLOGY.

39.201(S-90) Section 508 Compliance. The DISA Section 508 Acquisition Policy can be accessed at <https://datahouse.disa.mil/cio/508/source.html>.

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PART 42--CONTRACT ADMINISTRATION AND AUDIT SERVICES

SUBPART 42.1-90—INTERAGENCY CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.9000 Audit resolution and disposition.

(a) Policy. Contracting officers shall use contract audit advice provided by the Defense Contract Audit Agency (DCAA) and promptly act to resolve DCAA audit recommendations. This requires --

- (1) Full consideration of audit findings and recommendations;
- (2) Prompt and proper resolution of differences between contracting officers and auditors on proposed disposition of audit findings and recommendations;
- (3) Expeditious disposition (including fund recovery actions);
- (4) Documentation of differences between audit recommendation and dispositions thereof; and
- (5) Open dialogue between contracting, auditing, and audit follow-up personnel to establish and maintain an effective audit resolution system.

(b) System structure. The contract audit follow-up system shall be structured in consonance with the contracting officer's independent decision making role and the contract auditor's financial advisory role. Resolution of audit reports (other than pre-award) is required by law within six months of report issuance. Disposition shall take place as soon as possible after resolution.

(c) Responsibilities.

(1) AQ is the contract audit follow-up official responsible for managing DISA's contract audit follow-up program. AQ ensures that the DISA contract audit follow-up system is implemented in accordance with DoD Directive 7640.2, as amended, and that system operation results in timely and appropriate resolution and disposition of audit reports.

(2) HCOs must ensure that:

(i) Contracting officers fully consider contract audit advice in the course of determining pre-negotiation positions.

(ii) Audit findings and recommendations are resolved and disposed of effectively and in a timely manner, while fully protecting the Government's interest.

(iii) Up-to-date records are maintained on all applicable audit reports from receipt through disposition. For open reports, this includes written milestone plans comprised of target dates for resolution and disposition, and planned actions to accomplish those dates. When an audit is resolved, it must be supported by specific contract file documentation.

(iv) The semiannual contract audit follow-up status report submission is-

Prepared in accordance with DoD Directive 7640.2, as amended;

Verified against prior status report submission and the applicable DCAA control logs, and

- Submitted to AQ within 15 calendar days after the end of the 31 March and 30 September reporting periods. AQ1 coordinates submittal of the Agency report to the DoD Inspector General within 30 calendar days after the end of the reporting period.

(v) Adequate training is provided.

(vi) Procedures are established for documenting and reviewing:

Proposed pre-negotiation objectives that provide the independent review for internal control purposes. This will be accomplished as part of the business clearance review and approval process. In documenting the pre-negotiation position, the contracting officer shall indicate whether the audit recommendations were accepted or, if not, whether the auditor revised them. When the contracting officer disagrees with the audit position, the contracting officer's pre-negotiation documentation shall include the rationale for not accepting the audit advice. The post-negotiation documentation shall include a summary of the field pricing report recommendations and reasons for any pertinent variances from these recommendations.

Objections from the contractor to the administrative contracting officer (ACO) for auditor-determined indirect cost rates. This will be accomplished as part of the business clearance review and approval process. If the contractor submits a written objection to the ACO, the ACO

may communicate further with the contractor in order to reach agreement. If the ACO disagrees with the audit recommendation, the ACO shall comply with the business clearance procedures for documentation and review before disposition. If the ACO agrees with the audit recommendations, the ACO shall issue a final decision, after complying with the clearance review and approval procedures.

(vii) Provided a copy of the post-negotiation business clearance is to the cognizant contract auditor so the report may be closed.

(viii) Any recovery of funds is accomplished in accordance with DoD Directive 7640.2, as amended, FAR 32.6, and DFARS 232.6.

SUBPART 42.15—CONTRACTOR PERFORMANCE INFORMATION

42.1502 Policy.

(a) Effective 1 October 2002, DISA entered into an Inter Service Support Agreement to use the U.S. Army Past Performance Information Management System (PPIMS) for collecting and forwarding past performance information (PPI) to the federal Past Performance Information Retrieval System (PPIRS). The PPIMS is a web-based tool that provides real-time capability to collect PPI for use in future source selections.

(S-90) The PPIMS Command Administrator has overall responsibility to provide initial training to users and Site Administrators at NCR and all DITCOs. Thereafter, Site Administrators at NCR and the DITCOs provide training to all new users at their respective site. Upon successful completion of training, registering at the below site, and receiving approval by the NCR or appropriate DITCO Site Administrator, users begin entering data into PPIMS. <https://apps.rdaisa.army.mil/ppims/prod/ppimshpdisa.htm>.

(S-91) DISA is required to prepare a performance assessment report (PAR) for a contractor's performance when the contract value (base and all options) is \$1,000,000 or greater (regardless of date of contract award).

(S-92) This threshold applies to all contracts, task orders, orders under GSA schedules, Basic Ordering Agreements (BOAs), Communication Service Authorizations (CSAs), etc. Contracting officers are encouraged to use the PPIMS for collecting and reporting contractor past performance less than \$1,000,000. Entering PARs less than the mandatory threshold in PPIMS makes the data available to all registered PPIRS users.

(S-93) The threshold applies to the "as-modified" contract value. If a contract value is less than \$1,000,000, but is later modified and the "new" contract value is \$1,000,000 or greater, then a PAR should be made beginning with the first anniversary that the contract's value reaches \$1,000,000.

(S-94) As soon as it is anticipated that the threshold will be met or exceeded (e.g., modification), initiate the PPI collection process by entering the required data into PPIMS.

(S-95) Frequency of PARs. The contracting officer establishes PAR-reporting frequency. A PAR must be completed at least every 12 months. The contracting officer determines if a PAR will be completed on the basic contract vehicle or on individual task orders. Once established, the frequency should remain consistent throughout the performance of the contract. Types of PARs are:

(i) Interim. The contract vehicle is in progress and exceeds 12 months. Annual PARs are not required for the period of time between contract performance completion and contract closeout.

(ii) Final. Prepared upon physical contract completion. For contracts not exceeding one year, the final PAR is the only record. For contracts with performance periods exceeding one year, the final PAR addresses only the **last** performance period, and may not be used to “roll up” a contractor’s performance under the entire contract.

(iii) Addendum. Prepared for a post physical contract completion (i.e., warranty administration; contract closeout problems, conversion of a Termination for Default to a Termination for Convenience of the Government, or other administrative requirements such as submitting final reports, final indirect cost proposals, technical data, etc.).

(S-95) The contracting officer should consider the below factors in deciding frequency for assessments:

- (i) Contract type
- (ii) Period of performance
- (iii) Deliverable vs. level of efforts
- (iv) Milestones
- (v) Risk associated with performance

(S-96) Upon completion of a PAR, current performance assessment reports become past performance information used in source selections. Completion of PARs improves the amount and quality of performance information available to source selection teams.

(b) When developing a method of contracting (i.e., IDIQ, BOAs, BPAs, CSAs, etc.) for use by DISA and other agencies, ensure the contract instructs agencies placing orders to use an approved web-based system for collecting PPI that feeds into PPIRS. Include the following reference in the contract: For a list of automated systems, see DoD’s “Guide to Collection and Use of PPI, Appendix I (Automated Past Performance Information Systems).” The order-issuing agency is responsible for following their agency procedures to report PPI.

(c) When placing orders on another agency’s contract, follow DARS Part 42 for using, collecting, and entering PPI into PPIMS.

42.1503 Procedures.

(a) Refer to the DISA Collecting and Using Past Performance Deskbook available on the PPIMS web page under Past Performance References at <https://apps.rdaisa.army.mil/ppims/prod/ppimshpdisa.htm>. Past performance assessments are a combined responsibility of the contracting officer (assessing official), COR, TM, Evaluator, contract specialist, and reviewing official.

(b) Prepare PARS timely to ensure the integrity of the PPI. Contracting officers appoint CORs, TMs, or evaluators in writing. When the evaluator is the COR or TM, the evaluator designation will be included in the COR or TM appointment letter. Otherwise, a separate appointment letter should be issued.

(S-90) When the PAR is ready for contractor review, PPIMS sends an email notice to the contractor-identified POC. The contractor must register in PPIMS at <https://apps.rdaisa.army.mil/ppims/prod/ca/ppimscahp.htm> (NOTE: The link for contractor registration is different from the link used by registered Government users.) When the contractor registers, the data are verified with the Central Contractor Registry (CCR) data. The PAR owner (contract specialist) receives a notice that the contractor requested access. The contract specialist approves contractor access. The contract specialist is the individual most familiar with the contractor, and therefore, approves the access request.

(S-91) Contractors have a minimum of 30 calendar days to review the PAR and concur or non-concur. Contractors non-concur by submitting rebutting statements or additional information.

(S-92) The contractor has 14 calendar days to initially access the PAR. If the contractor has not accessed PAR within 14 days, an electronic notice is sent to the contracting officer (assessing official). The contracting officer must contact the contractor to determine why the contractor has not accessed the PAR for review. It is very important that the PAR owner not delay approving the contractor's request for access to PPIMS. If the contractor neither concurs nor non-concurs after 30 days, the PAR is sent to PPIRS where the data are available for source selection.

(S-93) If the contractor non-concurs, the contracting officer (assessing official) must contact the contractor and attempt to resolve the issue(s). If a successful resolution is reached, the contracting officer (assessing official) revises the PAR and provides a copy to the contractor for review, concurrence, or non-concurrence. If the contracting officer (assessing official) is unable to resolve the issue(s), the PAR along with the rebutting comments is forwarded to the Reviewing Official for a unilateral final decision.

(d) Access.

(S-90) The Command Administrator and Alternate Command Administrator have access to all DISA records in PPIMS and PPIRS databases. Individual Site Administrators only have access to PARs assigned to their site and no access to the PPIRS database unless they are registered and currently assigned to an on-going source selection.

(S-91) Access to PPIMS is restricted to authorized Government personnel and contractors registered and approved for access.

(S-92) See the DISA Collecting and Using Past Performance Deskbook for additional guidance on protecting PPI.

(e) The PPIRS automatically archives PARs three years from the final date of contract performance. This includes task orders, calls under a BPA or BOA, etc. Archived PARs are not accessible.

PART 43--CONTRACT MODIFICATIONS

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NO DARS TEXT

PART 44--SUBCONTRACTING POLICIES AND PROCEDURES

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NO DARS TEXT

PART 45--GOVERNMENT PROPERTY

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SUBPART 45.1-GENERAL

45.101 Definitions

PART 45--GOVERNMENT PROPERTY

SUBPART 45.1-GENERAL

45.101 Definitions.

“Designee” as used in this part means the cognizant HCO.

PART 46--QUALITY ASSURANCE

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NO DARS TEXT

PART 47--TRANSPORTATION

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NO DARS TEXT

PART 48--VALUE ENGINEERING

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NO DARS TEXT

PART 49--TERMINATION OF CONTRACTS

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SUBPART 49.1--GENERAL PRINCIPLES

49.101	Authorities and responsibilities.
49.102	Notice of termination.
49.107	Audit of prime contract settlement proposals and subcontract settlements.
49.108	Settlement of subcontract settlement proposals.
49.108-8	Assignment of rights under subcontracts.
49.109	Settlement agreements.
49.109-1	General.
49.109-7	Settlement by determination.
49.110	Settlement negotiation memorandum.
49.111	Review of proposed settlements.
49.112	Payment.
49.112-1	Partial payments.
49.114	Unsettled contract changes.

SUBPART 49.2--ADDITIONAL PRINCIPLES FOR FIXED-PRICE CONTRACTS TERMINATED FOR CONVENIENCE

49.202	Profit.
49.203	Adjustment for loss.
49.206	Settlement proposals.
49.206-1	Submission of settlement proposals.
49.206-2	Basis for settlement proposals.
49.208	Equitable adjustment after partial termination.

SUBPART 49.3--ADDITIONAL PRINCIPLES FOR COST-REIMBURSEMENT CONTRACTS TERMINATED FOR CONVENIENCE

49.303	Procedure after discontinuing vouchers.
49.303-2	Submission of settlement proposal.
49.303-3	Adjustment of indirect costs.
49.303-4	Final settlement.
49.304	Procedure for partial termination.
49.304-1	General.
49.305	Adjustment of fee.
49.305-1	General.

SUBPART 49.4--TERMINATION FOR DEFAULT

49.402-3	Procedure for default.
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SUBPART 49.70--SPECIAL TERMINATION REQUIREMENTS

49.7001	Congressional notification on significant contract terminations
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PART 49--TERMINATION OF CONTRACTS

SUBPART 49.1—GENERAL PRINCIPLES

49.101 Authorities and responsibilities.

(a) A DITCO termination contracting officer (TCO) may terminate contracts for convenience or default to the extent of the authority provided on the Contracting Officer's Certificate of Appointment (SF 1402). All proposed terminations shall be coordinated through legal counsel and the HCO.

(d) A DITCO contracting officer having authority to terminate for convenience and/or default is deemed to be a Termination Contracting Officer (TCO) with settlement authority equal to the monetary limitation set forth on the face of their Certificate of Appointment (SF 1402).

49.102 Notice of termination.

(d) A DITCO contracting officer may reinstate a contract only after a Determination and Findings (D&F) recommending such has been approved by the cognizant HCO. The D&F must set forth the reasons why the contract was terminated and why it should now be reinstated. The D&F must be coordinated with legal counsel.

49.107 Audit of prime contract settlement proposals and subcontract settlements.

(a) The TCO shall ensure that each prime contract settlement proposal above the simplified purchase maximum limit is reviewed by DITCO AQSC2 for the purpose of evaluating the reasonableness prior to negotiating the final settlement. DITCO AQSC2 shall assist the TCO in the development of a settlement negotiation position, as the TCO may require. The TCO may request assistance from DITCO AQSC2 with respect to prime contract settlement proposals below the simplified purchase maximum limit, if the TCO believes circumstances warrants.

(b) Subcontract settlements shall be accomplished in keeping with policy and procedure for accomplishment of prime contract settlements.

(c) Requests to the audit agency to perform the accounting review shall be prepared by DITCO AQSC2, for signature by the TCO.

49.108 Settlement of subcontract settlement proposals.

49.108-8 Assignment of rights under subcontracts.

(a) The TCO shall not require the assignment unless the HCO approves a D&F so recommending. The D&F shall be coordinated with DITCO AQSC2 and legal counsel.

(b) The TCO shall not finalize any settlement proposal arising out of the termination of subcontracts unless the HCO approves a D&F so recommending. The D&F shall be coordinated with DITCO AQSC2 and legal counsel.

49.109 Settlement agreements.

49.109-1 General.

The settlement agreement shall be approved by the cognizant HCO. It shall be coordinated with DITCO AQSC2 and legal counsel if the amount of the settlement is above the simplified acquisition threshold.

49.109-7 Settlement by determination.

(a) A settlement by determination shall be accomplished only if the cognizant HCO approves a D&F that so recommends. The D&F shall be coordinated with DITCO AQSC2 and legal counsel if the amount of the settlement is above the simplified acquisition threshold.

49.110 Settlement negotiation memorandum.

(a) The TCO may request assistance from DITCO AQSC2 and legal counsel in the preparation of the settlement negotiation memorandum.

49.111 Review of proposed settlements.

The proposed settlement agreement shall be approved by the cognizant HCO. It shall be coordinated with DITCO AQSC2 and legal counsel if the amount of the settlement is above the simplified acquisition threshold.

49.112 Payment.

49.112-1 Partial payments.

(b) The TCO shall prepare a D&F in response to a contractor's request for partial payment, for approval by the cognizant HCO. The D&F shall set forth all pertinent facts and circumstances resulting in the TCO's determination as to whether or not the partial payment should be authorized. The D&F shall be coordinated with DITCO AQSC2 and legal counsel.

(h)(2) Payments shall not be made by DFAS unless the TCO specifically approves an invoice/voucher for payment.

49.114 Unsettled contract changes.

The TCO shall settle all unsettled contract changes as part of the final settlement process.

SUBPART 49.2-ADDITIONAL PRINCIPLES FOR FIXED-PRICE CONTRACTS TERMINATED FOR CONVENIENCE

49.202 Profit.

(a) The TCO shall coordinate the Government's proposed profit position with DITCO AQSC2 (if the settlement amount is above the simplified acquisition threshold) to ensure that it is fair and reasonable.

49.203 Adjustment for loss.

(a) The TCO shall not allow profit which would place the contractor in a profit position on the contract, if it appears that the contractor would have incurred a loss on the contract, had the contract not been terminated.

49.206 Settlement proposals.

49.206-1 Submission of settlement proposals.

(c) After the initial notice of termination is transmitted to the contractor, the TCO shall follow it with instructions regarding how to submit a settlement proposal, including which forms are to be used. If the anticipated amount of the settlement is above the simplified acquisition threshold, then the TCO shall coordinate these instructions with DITCO AQSC2 before forwarding them to the contractor.

49.206-2 Basis for settlement proposals.

After the initial notice of termination is transmitted to the contractor, the TCO shall follow it with instructions regarding what basis ("inventory," "total cost," or "other") is preferred for any settlement proposal.

49.208 Equitable adjustment after partial termination.

The TCO shall be responsible for negotiating any equitable adjustment in the price of the continued portion of the contract.

**SUBPART 49.3--ADDITIONAL PRINCIPLES FOR
COST-REIMBURSEMENT CONTRACTS TERMINATED FOR CONVENIENCE**

49.303 Procedure after discontinuing vouchers.

49.303-2 Submission of settlement proposal.

Requests for review by the audit agency shall be prepared by DITCO AQSC2, for signature by the TCO.

49.303-3 Adjustment of indirect costs.

(a) The TCO shall coordinate with DITCO AQSC2 and the audit agency before determining whether or not to negotiate indirect costs into the settlement.

49.303-4 Final settlement.

(a) The settlement agreement shall be approved by the cognizant HCO. It shall be coordinated with DITCO AQSC2 and legal counsel if the settlement amount is above the simplified acquisition threshold.

49.304 Procedure for partial termination.

49.304-1 General.

(a) Partial terminations shall be processed administratively by the TCO in the same manner as complete terminations.

49.305 Adjustment of fee.

49.305-1 General.

(a) The TCO shall coordinate adjustments in fee with DITCO AQSC2.

SUBPART 49.4–TERMINATION FOR DEFAULT

49.402-3 Procedure for default.

(d) Cure notices must be coordinated with legal counsel, the HCO and, if the contractor is a small business, with the local SADBUs prior to release.

(e)(1) Show cause notices must be coordinated with legal counsel, the HCO and, if the contractor is a small business, with the local SADBUs prior to release.

SUBPART 49.70– SPECIAL TERMINATION REQUIREMENTS

49.7001 Congressional notification on significant contract terminations.

DITCO contracting officers will obtain coordination from the HCO and local legal counsel, and approval from the HCA prior to the release of any termination notice being executed within the guidelines of DFARS 249.7001.

PART 50--EXTRAORDINARY CONTRACTUAL ACTIONS

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SUBPART 50.2-DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY

50.202 Contract adjustment boards

PART 50--EXTRAORDINARY CONTRACTUAL ACTIONS

SUBPART 50.2—DELEGATION OF AND LIMITATIONS ON EXERCISE OF AUTHORITY

50.202 Contract adjustment boards.

The DISA Contract Adjustment Board shall be composed of the following members:

Vice Director	Chairperson
HCA	Vice Chairperson and Member
Deputy General Counsel	Member

The Board considers and evaluates requests for contract adjustments and recommends appropriate action to the Director. The findings of the Board shall be of an advisory nature. The HCA shall assume staff and administrative cognizance of contract adjustment matters and supply secretarial and recorder services for the operation of the Board.

PART 51--USE OF GOVERNMENT SOURCES BY CONTRACTORS

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NO DARS TEXT

PART 52--SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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RESERVED

PART 53 FORMS

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SUBPART 53.2-PRESCRIPTION OF FORMS

53.200-90 Scope of subpart

SUBPART 53.2—PRESCRIPTION OF FORMS

53.200-90 Scope of subpart.

(a) This subpart prescribes DISA forms for use in acquisitions.

(1) DISA Purchase Request (PR)/Coordination Cover Sheet for MIPRs/ROs. This new form replaces Acquisition Package Approval and Coordination Sheet (DISA Form 1, 1 Jun 94) and DISA Form 94 DISA Purchase Request (DISA Form 94, Sep 97). Use the DISA Form 1 to process all DISA funded/managed requests for procurement. The DISA Form 1 iterates necessary information about the action and is the authority to obtain supplies and services on behalf of a DISA requirements office.

(2) Examples of actions that require use of the DISA Form 1:

(i) New procurements - proposed DISA contracts, orders (includes orders against DISA contracts and orders against GSA schedules and/or other federal agency contracts) or Communication Service Authorizations (CSAs))

(ii) All DISA Contract/Order Modifications - funded/no funds

(iii) Military Interdepartmental Purchase Requests (MIPRs), and Reimbursable Agreement/Order for Services between Federal Agencies (ROs) - Use of the DISA Form 1 is appropriate whether the MIPR is coded "MZ" (internal DISA) or coded "MR" (outgoing). **The DISA Form 1 serves as coordination cover sheet for processing MIPRs/ROs.** The following attachments to the DISA Form 1 may be required when processing MIPRs/ROs (DARS 8 and 17.5 and DISAI 640-50-6):

- Determination & Finding (D&F) for Economy Act Orders
- Support Agreement (DD Form 1144) and other funded Memorandums of Agreement

(iv) When using the Government-wide commercial purchase card as a method of payment with DITCO placing the order, use the DISA Form 1 for processing the purchase.

(3) Exception:

Telecommunication Services (TS) processed under DITCO's Inquiry-Quote-Order (IQO) process (IQO process used when purchasing TS at or below \$1M.)

(4) **Block 1** (Originator). The originator (requirements office) is responsible for completion of the DISA Form 1 (e.g., obtaining appropriate coordination, signatures, attaching all required documents, etc.) *prior* to submission to the appropriate office for execution. Although the office that executes the PR package may continue to process the package without required documentation, execution of the requirement can not take place until all required documents have been received.

(5) **Before** submission of the DISA Form 1, the originator should coordinate the contents with the contracting officer or when processing outgoing MIPRs/ROs, the resource/funds manager to avoid rework and delays.

(6) If processing electronically any documents containing sensitive information, ensure compliance with FAR/DARS 1.304 and DISAI 630-230-30 for e-mail security practices for transmission of sensitive unclassified information.

(7) **Block 4** (Coordination). The instructions to the DISA Form 1 contain a list of individuals who may need to review the action and signify their concurrence by initialing the DISA Form 1.

Proper coordination/signatures will be determined on a case-by-case basis by the originator depending on what type of action you are processing. For example--

- If processing an action involving no funds, coordination/signatures are not needed from the resource/funds manager or the Comptroller. (NOTE: MIPRs/ROs always involve funds.)
- If processing a non-IT action, coordination is not needed from the IMO/IMR or ISSM/ISSO.

(8) **Block 5** (Short title and/or Description of Purchase). Block 5 should only contain a brief summary of the action and total amount (base year plus option(s)). If required to provide more information and need more space, continue on page 2.

(9) **Block 9** (DPAS Priority Rating). DPAS priority ratings can not be arbitrarily applied to an action. It is the requirements office responsibility to determine if a priority is needed (DARS Part 11).

(10) **Block 10** (PR Package Checklist). Marking a box indicates compliance and if documents are required, you have attached them or previously provided them to the office of execution. Leaving a box blank indicates not applicable.

11) **Block 11** (Accounting and Funding). When processing MIPRs/ROs, if the same information and signatures are required on the MIPR/RO, **do not** repeat the information on the DISA Form 1--this avoids the possibility of double billing. Type "see MIPR" or "see RO."

(12) **Block 11A** (Fund Type). If "Other" is marked, identify the fund type. Additionally, make sure the "Total \$" is the amount funded and not the "Total Amount (base year plus option(s))" identified under **Block 5**.

(13) **Block 12** (Deputy director or Designated Approving Official). This block must always be completed, regardless of whether the DISA Form 1 is used as a PR or cover sheet for MIPRs/ROs.

(b) The DISA Form 1 and various other DISA acquisition forms are located in the FORMS (Forms Menu System) section of the DISANet, Standard Applications.

APPENDIX A

LIST OF DISA ACQUISITION DESKBOOKS

Deskbooks may be accessed electronically via: <http://www.disa.mil/acq/deskbooks.html>

1. Promoting Opportunities with Small Business Concerns
2. Industrial Security Program & DD Form 254, Contract Security Classification Specification, Implementation Guide (DARS Part 4)
3. Collecting and Using Past Performance Information (PPI) Deskbook
4. Acquisition Planning Deskbook
5. Justification and Approval (J&A) Deskbook
6. Independent Government Cost Estimate (IGCE) Deskbook
7. Commercial Purchase Card Program Deskbook
8. Contracting Officer Representative/Task Monitor (COR/TM) Deskbook
9. Source Selection Deskbook/Source Selection Plan Template

APPENDIX B

DISA PLAN FOR CONTROL OF CLAUSES

NOTE: This appendix was approved by Eleanor R. Spector on 11 March 1992. Therefore, any revisions to this plan must be approved by OUSD(AT&L/DPAP) prior to implementation. AQ12 is preparing a new plan and when approved, it will supersede this appendix.

Statement of Purpose:

The purpose of this plan is to establish a system of controls for the use of clauses other than those prescribed in the Federal Acquisition Regulation (FAR) or Department of Defense FAR Supplement (DFARS).

Authority:

This system of controls is established pursuant to DFARS 201.304(4) and direction from the Director of Defense Procurement dated 5 Aug 91.

Definitions:

“Clause” includes provisions, and means a term of condition of the solicitation/contract of the type set forth in FAR Part 52/DFARS Part 252.

“Regulation” means any contracting supplement, policy letter, clause book, automated system, or similar regulatory instrument.

Approvals Required:

Director of Defense Procurement Approval Required:

All policies, procedures, clauses, or forms that have significant effect on the public.

All class deviations from FARS/DFARS.

Categories of individual deviations in DFARS 201.402(1).

Any deviation required to comply with a treaty or an executive agreement that is not authorized by FAR 1.405(b) or (c).

Head of Contracting Activity (HCA), Acquisition Management Office (AMOfc) and HCA, Defense Commercial Communications Office (DECCO) Approval Required:

All individual deviations, except those in one of the six categories in DFARS 201.402(1).

Any other clauses, except those that require approval of the Director of Defense Procurement.

Clause Numbering:

All clauses included in a solicitation or contract must adhere to the numbering and identification requirements in FAR Subpart 52.1 and DFARS Subpart 252.1. One-time use clauses need not be numbered, but at a minimum, must be identified by title, date, and name of the contracting organization that developed the clause.

Responsibilities—AMOfc:

- a. Contracting officers shall obtain approval to the extent required under “Approval Authorities” above, before using any clause other than one prescribed by FAR or DFARS. Approval of modifications to non-prescription clauses shall be obtained in the same manner as when the clauses were originally approved.
- b. Contracting personnel shall obtain advice and assistance as needed from the Activity General Counsel (Code AL) in preparing written requests for approval of a clause.
- c. The contracting officer shall prepare written documentation requesting approval of the use of the clause. The request package shall contain an explanation of the clause and rationale for its use. The request package shall also justify use of the clause other than one prescribed by FAR or DFARS. The request package shall include comments and advice obtained from Code AL. The contract specialist shall ensure that all documents generated during the review and approval process are made a part of the contract file.
- d. The contracting officer shall submit the request package to the Chief, Acquisition Planning and Procedures Office for forwarding to the HCA, AMOfc.
- e. The Chief, Acquisition Planning and Procedures Office shall review the documentation, research the issue, and coordinate with the appropriate directorates/offices. If the issue does not have a significant impact on the public, forward to the HCA, AMOfc who has approval authority. If the issue does have a significant impact on the public, the Chief, Acquisition Planning and Procedures Office shall forward to the Director of the Defense Acquisition Regulations (DAR) Council for processing, after coordinating with the Agency General Counsel (Code AL), to the Director of Defense Procurement.

- f. The Chief, Acquisition Planning and Procedures Office shall notify contracting personnel as to approval or denial of requests. The clause(s) shall not be used until such notification is received.
- g. The Chief, Acquisition Planning and Procedures Office shall ensure that all approved class deviations are included in the Automated Contract Preparation System for immediate accessibility by contracting personnel.
- h. The Chief, Acquisition Planning and Procedures Office shall ensure that all DISA procurement regulations are changed to the extent necessary to reflect the approval of clauses.
- i. The Chief, Acquisition Planning and Procedures Office shall annually conduct a formal review of all clauses in use, other than FAR or DFARS clauses, and provide a report of the review for the HCA, AMOfc. The report shall include recommendations for the retention, modification, or deletion of each such clause.

Responsibilities—DECCO

- a. Contracting officers shall obtain approval to the extent required under “Approval Authorities” above, before using any clause other than those prescribed in the FAR or DFARS. Approval of modifications to non-prescription clauses shall be obtained in the same manner as when the clause was originally approved.
- b. Contracting personnel shall obtain advice and assistance as needed from the Activity General Counsel (Code ALD) in preparing written requests for approval of a clause.
- c. The contracting officer shall prepare required written documentation that will be reviewed by Code ALD. Contract specialists and account managers shall ensure that all documents generated during the review and approval process are part of the official contract file.
- d. The contracting officer shall submit the request package for the HCA, DECCO approval to the Contract Policy Division (Code RGC).
- e. The Contract Policy Division shall review the documentation, research the issue, and coordinate with the appropriate directorates/offices. If the issue does not have a significant impact on the public, forward to the HCA, DECCO who has approval authority. If the issue does have a significant impact on the public, the Contract Policy Division shall forward to the Director of the DAR Council for processing, after coordinating with Code AL, to the Director of Defense Procurement.
- f. The Contract Policy Division shall notify contracting personnel as to approval or denial of requests. The clause(s) shall not be used until such notification is received.
- h. The Contract Policy Division shall annually conduct a review of all DECCO specific clauses that have a significant impact on the public and provide a report of the review to the Principal

Deputy Director, DECCO. The report shall include recommendations for the retention, modification, or deletion of clause(s).

Retention:

The AMOfc and DECCO Plan for Control of Clauses shall be retained in the DISA Acquisition Policies and Procedures.

Focal Point:

The HCA, AMOfc and the HCA, DECCO are the agency focal points for resolution of internal or public inquiries on authority for use of a particular clause.

Appendix C

CONSIDERATIONS FOR DETERMINING ECONOMY ACT APPLICABILITY

ECONOMY ACT APPLICABILITY

<u>Servicing Agency</u>	<u>Vehicle</u>	<u>Authority</u>	<u>Type of Support</u>	<u>Approval</u>
DSC	D&F		FAR 17.5	one-time
	ACA/HCO**			
DSC	D&F		FAR 17.5	recurring
	ACA/HCO**			

(NOTE: DTIC is part of DISA and obtains contracting support from DSC, Columbus. DSC is not part of DISA; therefore, when DTIC or any other DISA organization obtains supplies/services from DSC, FAR 17.5 applies. Under the example for "recurring" support, FAR 17.5 takes precedence over DoDI 4000.19 since DSC is a Defense Working Capital Fund (DWCF) organization and DoDI 4000.19, Para 4.5 does not require Service Agreements for sales of DWCF mission products and services. Sales of DISA DWCF mission products and services (other than agreements between Defense Megacenters/Regional Support Activities and customers) will be documented on a DD Form 1144 (see DISAI 640-50-6, Para 7.2.3)).

<u>Servicing Agency</u>	<u>Vehicle</u>	<u>Authority</u>	<u>Type of Support</u>	<u>Approval</u>
AFAF (I-CASE)	D&F	FAR 17.5	one-time	ACA/HCO** & DD
AFAF (I-CASE)	SA*	FAR 17.5 DoDI 4000.19	recurring	ACA/HCO** & DD

(NOTE: Paragraph 4.3 of DoDI 4000.19 applies. I-CASE examples above are not applicable when DISA orders directly from the I-CASE contract. DISA has limited direct ordering authority for I-CASE.)

<u>Servicing Agency</u>	<u>Vehicle</u>	<u>Authority</u>	<u>Type of Support</u>	<u>Approval</u>
CNTC	D&F	FAR 17.5	one-time	ACA/HCO**
CNTC	SA*	FAR 17.5 & DoDI 4000.19	recurring	ACA/HCO** & DD

(NOTE: Paragraph 4.3 of DoDI 4000.19 applies. Under the example for "recurring" support: DISA reimburses CNTC for providing ongoing operation and maintenance of the DMS Transition Hub located at the Naval Computer and Telecommunications Area Master Station, Wahiawa, HI. Although government employees provide these services, ACA concurrence is required on the DISA Form 9 since funds are leaving the Agency.)

<u>Servicing Agency</u>	<u>Vehicle</u>	<u>Authority</u>	<u>Type of Support</u>	<u>Approval</u>
USDA/GS	D&F	FAR 17.5	one-time	SPE
USDA/GS	SA*	FAR 17.5 & DoDI4000.19/	recurring	SPE

(NOTE: Paragraph 4.4 of DoDI 4000.19 applies. SPE approval is required when obtaining supplies/services from another Agency not covered by the FAR.)

<u>Servicing Agency</u>	<u>Vehicle</u>	<u>Authority</u>	<u>Type of Support</u>	<u>Approval</u>
Army	SA*	FAR 17.5	recurring	ACA/HCO**
MITRE (FFRDC)		DoDI4000.19		& DD

(NOTE: Paragraph 4.3 of DoDI 4000.19 applies. In this example, the Army requires the use of their documentation to meet the SA requirement so a Class D&F (FAR Part 1) is used to meet the FAR D&F requirement. Approval authorities are located in DARS 17.5 and DISAI 640-50-6, para 12.)

*The SA constitutes the D&F. DoDI 4000.19; paragraph 4.5 does not require SAs for single item or one-time service support. In the event an SA is not required for a recurring effort and the Economy Act applies, prepare a D&F; a Class D&F may be appropriate.

** HCO is authorized to sign Economy Act D&Fs under \$100,000.

The following applies to all examples given above: DISA is the requesting agency and as such, the requirements office shall send copies of D&Fs/SAs to the servicing agency (DARS 17.504-90). In the case of an FFRDC, send the copies to the sponsor (FAR Part 35).

ACRONYMS:

ACA	Agency Competition Advocate
AF	Air Force
CNCTC	Commander, Naval Computer & Telecommunications Command
D	Director, DISA
DD	Deputy Director
D&F	Determination & Finding
DoD	Department of Defense
DSC	Defense Supply Center
DTIC	Defense Technical Information Center
DV	Vice Director, DISA
FAR	Federal Acquisition Regulation
FFRDC	Federally Funded Research & Development Contract
I-CASE	Integrated Computer-Aided Software Engineering
MITRE	MITRE Corporation (FFRDC contractor)
SA	Support Agreement (DD Form 1144 or similar form)
SPE	Senior Procurement Executive
USDA/GS	US Department of Agriculture/Graduate School

AGENCIES NOT COVERED BY FAR

Examples of agencies not covered by FAR (not all inclusive):

- USDA/GS
- Federal Aviation Administration
- US Mint, US Department of the Treasury
- Tennessee Valley Authority
- Federal Reserve System
- *Central Intelligence Agency
- *Joint Committee on Printing
- *US Information Agency
- Independent Establishments (Per 5 U.S.C. § 104(1))
- *US Postal Service
- Postal Rate Commission
- Government corporations other than wholly owned Government corporations under 31 U.S.C. § 9101(3) (e.g., mixed-ownership Government corporations under 31 U.S.C. § 9101(2))
 - o Amtrak
 - o Central Bank for Cooperatives
 - o Federal Deposit Insurance Corporation
 - o Federal Home Loan Banks
 - o Federal Intermediate Credit Banks
 - o Federal Land Banks
 - o National Credit Union Administration Central Liquidity Facility
 - o Regional Banks for Cooperatives
 - o Rural Telephone Bank (after ownership conversion)
 - o US Railway Association
 - o *Resolution Trust Corporation
 - o Resolution Funding Corporation

*Exempt from Economy Act--covered by separate statutory authority (40 U.S.C. § 474, Federal Property & Administrative Service Act of 1949).

EXAMPLES OF ECONOMY ACT EXEMPTIONS

Use of other Government supply sources (Reiterates FAR 8.002)

- Supplies/Services
- Public utility services (FAR Part 41)
- Printing and related supplies (FAR 8.8)
- Leased motor vehicles (FAR 8.11)
- Strategic and critical materials (e.g., metals and ores) from inventories exceeding Defense National Stockpile requirements
 - Helium (FAR 8.5)

Priorities for use of Government supply sources (Reiterates FAR 8.001)

- Supplies/services listed in descending order of priority—
- **Supplies**
 - o Agency inventories
 - o Excess from other agencies
 - o Federal Prison Industries, Inc.
 - o Products available from the Committee for Purchase From People Who Are Blind or Severely Disabled
 - o Wholesale supply sources, such as stock programs of the GSA, Defense Logistics Agency, Department of Veterans Affairs and military inventory control points
 - o Mandatory Federal Supply Schedules (FSS) Optional use FSS
 - o Commercial sources (including educational and nonprofit institutions)
- **Services**
 - o Services available from the Committee for Purchase From People Who Are Blind or Severely Disabled
 - o Mandatory FSS
 - o Optional use FSS
 - o Federal Prison Industries, Inc. or commercial sources (including educational and nonprofit institutions)

Government-Wide Acquisition Contracts (GWACs)--GWAC examples follow (not all-inclusive):

- Department of Transportation - I-TOP
- Department of Commerce - COMMITS
- GSA - Contracts funded through the IT fund--two examples follow:
- SEAT Management
- FAST

Although the Economy Act does not apply, if the plan is to obtain any of these supplies/services by having another agency contract for them consider the following as part of the market research: Is the action a reasonable alternative to using a DISA contracting office, and is it in the best interest of the Government. NOTE: FAR 17.5 does not apply when a DISA contracting office places orders directly on another agency's contract.

Multi-Agency Contracts (MACs)/Government-wide Acquisition Contracts (GWACs)

Multi-agency contracts (MACs).

- ECONOMY ACT APPLIES along with applicable Executive branch policies and procedures, including, for IT services.

- MACs are established in accordance with section 5124(a)(2) of the Clinger-Cohen Act for IT (not limited to IT).

Government-Wide Acquisition Contracts (GWACs)

- ECONONY ACT DOES NOT APPLY. GWACs are subject to Executive branch policies and procedures.
- GWACs are established in accordance with section 5112(e) of the Clinger-Cohen Act, 40 U.S.C. § 1412(e) for IT after an agency is designated an executive agent for such by OMB (or otherwise covered by such designation).
- If entered into before 7 August 1996, the GWAC was established under a delegation of procurement authority issued by GSA under the authority of the Brooks Act, 40 U.S.C. § 759.

Reference: The MULTIAGENCY/GWAC PROGRAM MANAGERS COMPACT located at <http://www.arnet.gov/References/magycom.html>.

APPENDIX D

RATIFICATION REQUEST PREPARATION AND PROCESSING

RATIFICATION CHECKLIST OF REQUIRED DOCUMENTATION

1. From the individual(s) who made the unauthorized commitment: A statement coordinated through the supervisor from the individual(s) who made the unauthorized commitment that explains:

- _____ The circumstances surrounding the commitment.
- _____ The bona fide Government requirement purchased
- _____ Why normal procurement procedures were not followed,
- _____ What goods or services were received or what benefit was derived, and its value.
- _____ Copies of orders, invoices, or other evidence of the transaction

2. From the individual's supervisor: If in concurrence with the ratification, the supervisor forwards the documentation to the Cognizant contracting officer with an endorsement that

- _____ Verifies the accuracy and completeness of the individual's documentation being forwarded.
- _____ Describes any corrective measures taken to include disciplinary action.
- _____ Provides a purchase funding for the ratifying action.

3. From the cognizant contracting officer: The contracting office that would have been responsible for the procurement had it gone through the proper channels shall:

_____ Review the documentation/endorsements and prepare a summary statement assessing the facts and circumstances in the case to include the adequacy of the records and circumstances in the case to include the adequacy of the records and documentation provided, clarification of any doubtful questions of facts, and recommendations.

_____ Prepare a determination and finding (D&F) document, addressing the following in FAR 1.602-3(c):

_____ The ratifying official could have granted authority to enter or could have entered into a contractual commitment at the time it was made and still has the authority to do so [FAR 1.602-3(c)(2)].

_____ The contract would otherwise have been proper, if it had been procured by an appropriate contracting officer [FAR 1.602-3(c)(3)].

_____ The price is fair and reasonable [FAR 1.602-3(c)(4)].

_____ A copy of the legal opinion [FAR 1.602-3(c)(5)].

_____ Funds are available and were available at the time the unauthorized commitment was made FAR 1.602-3(c)(6).

_____ Recommendation for ratification shall include the aforementioned.

4. Approval authority FAR 1.602-3 and DAR 1.602-3(b)(3). For DISA actions above the simplified acquisition threshold, the ratification-approving official is the Vice Director, DISA (DV). For DISA actions at or below the simplified acquisition threshold and non-DISA actions above the simplified acquisition threshold, the cognizant ratification-approving official is the Head of the Contracting Activity (HCA). For non-DISA actions at or below the simplified acquisition threshold, the cognizant ratification-approving official is the respective DISA Head of the Contracting Office (HCO), with electronic mail (e-mail) notification to the DISA HCA.

REQUEST FOR APPROVAL OF UNAUTHORIZED COMMITMENT STANDARD FORMAT

The person making the unauthorized commitment will initiate the preparation and review processing of the ratification request proposal package using the standardized “Request For Approval Of Unauthorized Commitment” format, and include all of the required content criteria identified below to document the request. The responsible individual will contact AQ12 to make that office aware that a ratification request is being prepared, and to obtain a unique ratification control number for the documentation package. This information is sensitive and must be marked and controlled as part of the contract file in the appropriate manner.

SENSITIVE INFORMATION

REQUEST FOR APPROVAL OF UNAUTHORIZED COMMITMENT

Ratification Control Number: (Obtained from AQ12)

In the Amount Of: (\$)

To: (Company Name)

For: (Supplies/Services)

Committed: (Date)

Committing individual/organization/activity: (Name, Title, Organization/Office Symbol, Office Location, and Telephone Number)

PART I – SECTION A - INDIVIDUAL’S STATEMENT, AND DESCRIPTION OF COMMITMENT CIRCUMSTANCES, AND SUPERVISOR’S REVIEW

(The individual making the unauthorized commitment shall complete items 1 through 5 of Part I, Section A, provide the required documentation, sign, date, and forward to his/her immediate supervisor for completion of Item 6. These documented statements must be signed and dated by both the individual(s) making the unauthorized commitment and the immediate supervisor of the individual(s). Following the immediate supervisor’s completion of Part I, Section A, Item 6, and if the supervisor agrees that the commitment should be ratified, the supervisor coordinates with the contracting officer, a review of the ratification documentation file through the individual’s chain of command before the information is forwarded to the DISA HCA.

The coordination includes the appropriate head of the individual’s cognizant organization or office for completion of Part I, Section B. For DISA personnel, this will be the cognizant organization Deputy Director (DD) or Principal Director (PD). For non-DISA personnel, this will be the appropriate head of that individual’s agency or activity. The file shall then be forwarded through the individual’s organizational head to the appropriate contracting office, contracting activity, or contracting officer for continued review and processing, as appropriate.)

1. Statement by individual describing circumstances:
2. Explain why normal procedures were not followed:
3. Describe what bona fide Government requirement necessitated the commitment:
4. Describe the benefits received/derived by the Government, if any. If none, so state. (Give value of benefit, if any, and other pertinent facts.)
5. List and attach all relevant documents (Include orders, invoices, and other documentary evidence of the transaction(s).):

Include the typed name and title of individual making unauthorized commitment, and

Signature_____ Date:_____

6. Comments of immediate supervisor of individual making unauthorized commitment. (The supervisor will complete this information, sign and date it, and **if** the supervisor agrees that the commitment should be ratified, the supervisor includes the supervisor’s endorsement verifying the accuracy and completeness of the documentation; describes the measures taken to prevent a recurrence of unauthorized commitments; and provides a purchase description and funding for the ratification action.):

Include the typed name, title, and organization of the supervisor, and

Signature_____ Date:_____

**PART I – SECTION B – CONTRACTUAL RATIFICATION REQUIREMENT
DOCUMENTATION – ORGANIZATION/DEPUTY DIRECTOR/PRINCIPAL
DIRECTOR REVIEW AND RECOMMENDATION**

(If the individual making the unauthorized commitment is a DISA employee, this section is to be completed by the individual's and supervisor's appropriate organizational Deputy Director (DD) or Principal Director (PD), and forwarded to the appropriate contracting activity, contracting officer or contracting office for review and completion. If the individual making the unauthorized commitment is a non-DISA employee, this section is to be completed by the appropriate head of that individual's and supervisor's cognizant organization or activity, and forwarded to the appropriate contracting activity, contracting officer, or contracting office for review and completion.):

1. Describe attempts to resolve unauthorized commitment prior to request for ratification (i.e., returning merchandise, individual payment from personal funds, etc.):
2. Describe special remedial/corrective action and/or disciplinary action taken (include a description of any administrative action to be taken under applicable personnel authority or furnish an explanation of why no disciplinary action was considered necessary):
3. Describe action taken to prevent recurrence of unauthorized act:
4. Concur with contractual ratification (include a statement of concurrence with the contractual ratification; and attach complete purchase description and funding documents if ratification is recommended):
- or -
5. Do not concur with contractual ratification (include a statement of non-concurrence if ratification is not recommended):
6. The preceding statement is, to the best of my knowledge, complete and accurate (and indicate "yes" or "no"):

Include the typed name, grade, title, organization/office symbol of the cognizant organization Deputy Director (DD) or Principal Director (PD) of the DISA or non-DISA office involved, as appropriate, and

Signature_____ Date:_____

PART II – CONTRACTING ACTIVITY/CONTRACTING OFFICE/CONTRACTING OFFICER REVIEW, LEGAL REVIEW AND OPINION, TEST OF RATIFIABILITY, PREPARATION OF DETERMINATION AND FINDINGS (D&F), AND PREPARATION OF SUMMARY RECOMMENDATION

(The appropriate contracting activity, contracting office, or contracting officer shall review the forwarded ratification request file and documentation, complete the following information, and proceed as follows. The contracting activity/office/officer review the documentation and endorsement for completeness and adequacy; ascertain the existence and obtain clarification of any doubtful questions of fact; prepare a determination and findings (D&F) addressing the limitations in FAR 1.602-3 (c)(1) through (7); prepare a recommendation to the appropriate ratification approving official; prepare the appropriate contractual documents; and submit the contract and supporting documents for local DISA legal counsel review and coordination.

(The appropriate Legal Counsel reviews the file, provides a legal opinion, including the test of ratifiability, and returns the file to the respective contracting activity, contracting office or contracting officer for continued review, preparation, and appropriate inclusion of the D&F, Purchase Request (PR) funding in the ratification request package. Legal counsel reviews all proposed ratifications and approves all contracts as to form and legality. The legal review will result in a determination of whether or not the acquisition is ratifiable under FAR and DARS 1.602-3, whether the matter should be processed under FAR and DFAR Supplement Part 50 (Public Law 85-804) as a GAO claim, or recommend other appropriate disposition. Once the respective contracting activity, contracting office or contracting officer has received and incorporated the legal review, the contracting activity, office or contracting officer forwards the ratification request file.)

Following completion of Items 1 through 4 or Item 5, as applicable, and Item 6, the appropriate contracting activity, contracting officer, or HCO shall contact the Chief, Acquisition Strategy and Policy Division (AQ12) to inform the HCA of the submission of a ratification request, obtain assignment of a unique Ratification Control Number for the request package, and ensure the appropriate data is entered in the HCA Ratification Database for the ratification request being processed. The contracting activity/contracting office/contracting officer will forward the ratification request package, with its assigned Ratification Control Number, through the chain of command to the appropriate ratification-approving official.

The ratification approving official will be the DISA Vice Director (DV), if unauthorized commitment was made by DISA personnel and is valued over the Simplified Acquisition Threshold, or the DISA HCA, if unauthorized commitment was made by DISA personnel and is valued at or below the Simplified Acquisition Threshold, or the DISA HCA if unauthorized commitment was made by non-DISA personnel and is valued above the Simplified Acquisition Threshold, or the respective DISA HCO if unauthorized commitment was made by non-DISA personnel and is valued at or below the Simplified Acquisition Threshold.)

1. Determination of the adequacy of all facts, records, and documents furnished, and obtain any additional material required.
2. Opinion from legal counsel as to whether the acquisition is ratifiable under FAR 1.602-3, DARS 1.602-3, whether the matter should be processed under FAR and DFAR Supplement Part 50 (Public Law 85-804), processed as a GAO claim, or otherwise handled.
3. Determination of whether the price involved is considered fair and reasonable and indication of how that determination was made.
4. Determination that sufficient funds are available to pay for the acquisition, and that funds were available at the time the unauthorized commitment was made.
5. Summary statement of facts addressing the foregoing. (The statement is to include a recommendation as to whether the transaction should be ratified stating the reasons therefore. Advice against the ratification should include a recommendation as to whether the matter should be processed under FAR and DFAR Supplement Part 50 (Public Law 85-804), as a GAO claim, or for other appropriate disposition.)
6. Determination of whether supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained a benefit resulting from performance of the unauthorized commitment.
7. Determination that the ratifying official (e.g., the contracting officer) has the authority to enter into a contractual commitment.
8. Determination of whether the resulting contract would otherwise have been proper if made by an appropriate contracting officer.
9. Determination of whether the contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence.
10. Determination that the ratification is in accordance with any other limitations prescribed under Agency procedures.

PART III – RATIFICATION APPROVING OFFICIAL REVIEW AND DISPOSITION

(This information will be completed by the appropriate ratification-approving official, e.g., DISA HCO, HCA, or DV, as appropriate.)

_____ I reviewed the circumstances, facts, and actions taken concerning the unauthorized procurement action and **I concur** with further processing and ratification by the appropriate contracting official.

_____ I reviewed the circumstances, facts, and actions taken and **I do not concur** that this action should be further processed for ratification. Action should be returned to the cognizant organization/individual's supervisor for:

- _____ Further documentation of circumstances.
- _____ Payment to vendor by individual making the unauthorized commitment.
- _____ Further documentation of corrective action(s) taken.
- _____ Other (explain).

Include the typed name, grade, and title of approving official, and

Signature _____ Date: _____

DISA FORM 9 - INSTRUCTIONS FOR PROCESSING RATIFICATION OF AN UNAUTHORIZED COMMITMENT

Reference the DISA Action Officer's Guide, available through the DISA Datahouse, for general guidance in the preparation of a DISA Form 9.

Coordination Approval Blocks

If approval authority is the Vice Director (DV): Requires coordination through the DITCO field office chief/commander, AQ12, AQ1, GC and AQ, and approval by the DV.

If approval authority is the HCA: Requires coordination through local AQ field office legal counsel, DITCO field office chief/commander, AQ12 and AQ1, and approval by the HCA.

If approval authority is the HCO: Requires coordination through local AQ field office legal counsel, and approval by the HCO.

Summary Block

1. Purpose. To request (insert title of approving official) approval of the enclosed ratification Determination and Findings (D&F) in the amount of \$ _____ (Tab A).
2. Background. Summarize the circumstances surrounding the unauthorized commitment. Also, identify the organization responsible for creating the unauthorized commitment, provide the name of the contractor(s) involved, identify the supplies or services provided to and accepted by the Government, provide a statement that the contracting officer determines the price to be fair and reasonable, address funding availability, and identify the contract action that will be executed to ratify the action.
3. Recommendation. Recommend the (insert title of approving official) sign the enclosed Determination & Findings (Tab A).

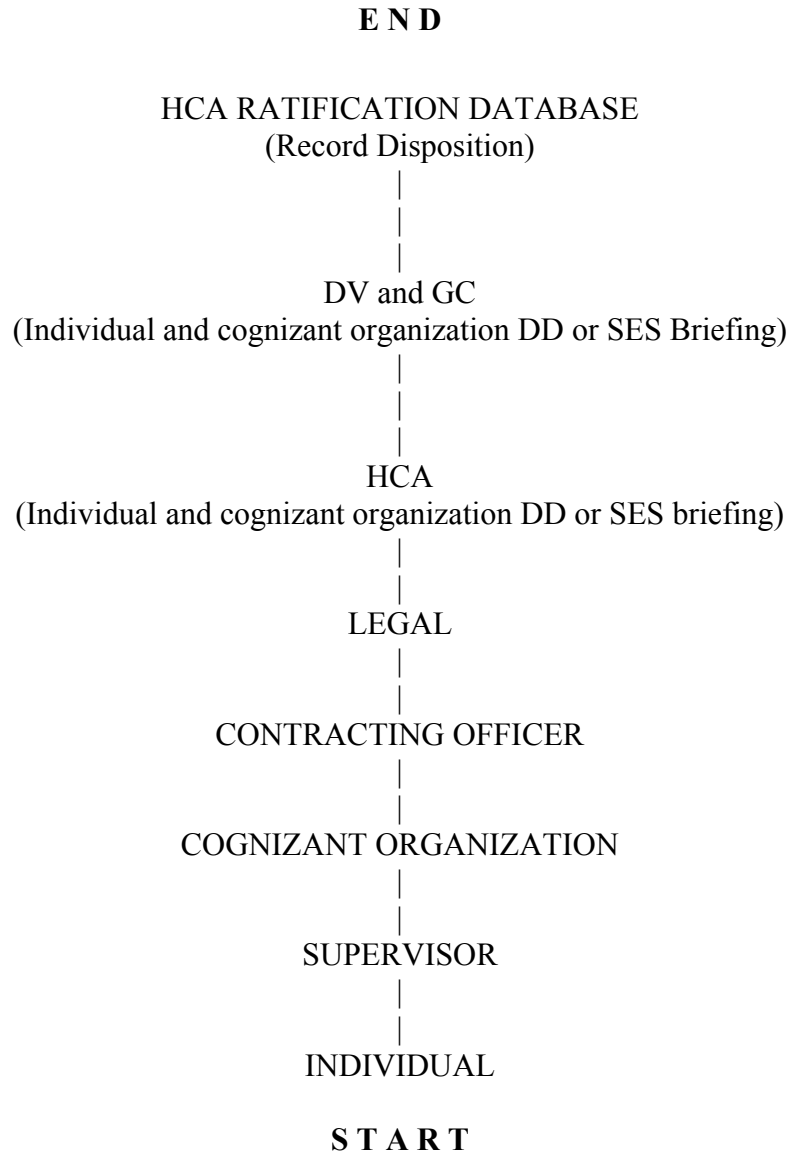
Enclosures:

Tab A. Determination & Findings

Tab B. (Insert agency/directorate/office symbol) Memo, Subject:
Statement of Circumstances for Unauthorized Commitment,
(insert date of memorandum)

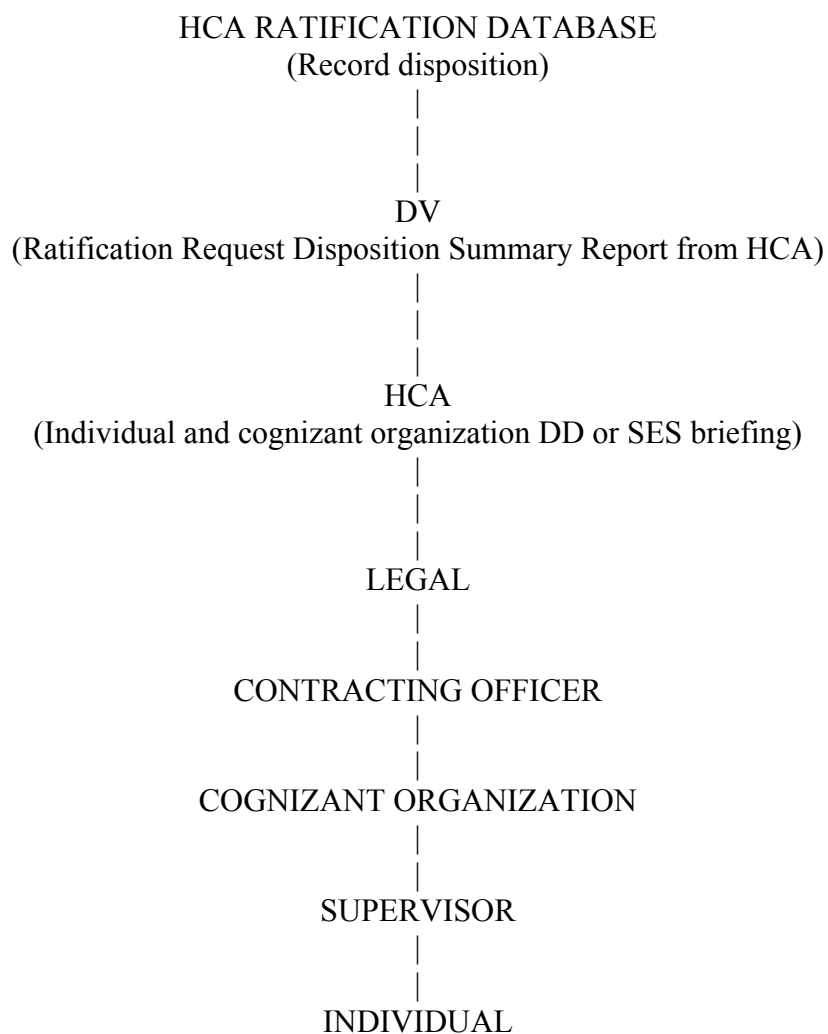
Tab C. (Identify contract/order number and modification number, if applicable)

RATIFICATION PROCESS FLOW DIAGRAM
(DISA Personnel Actions Above Simplified Acquisition Threshold)



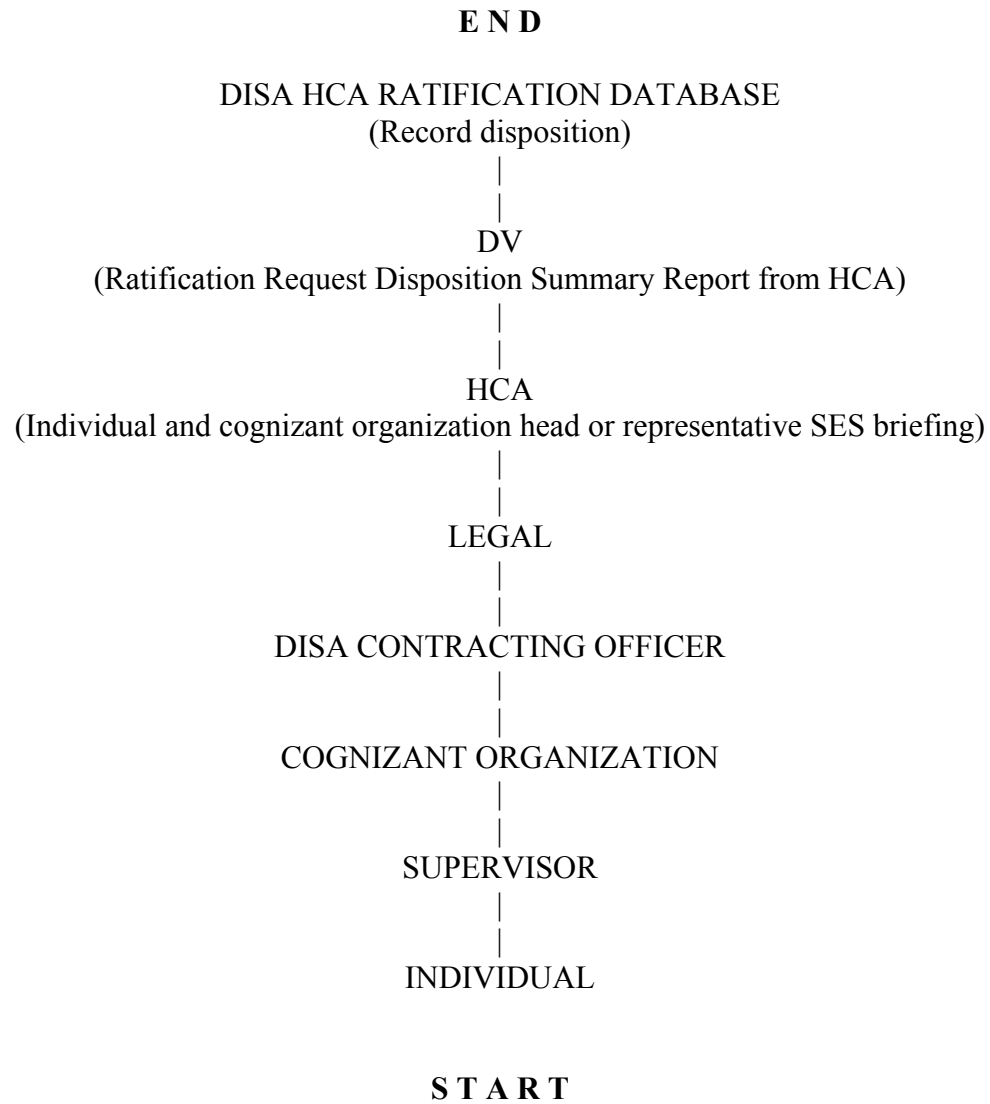
RATIFICATION PROCESS FLOW DIAGRAM
(DISA Personnel Actions At or Below Simplified Acquisition Threshold)

E N D



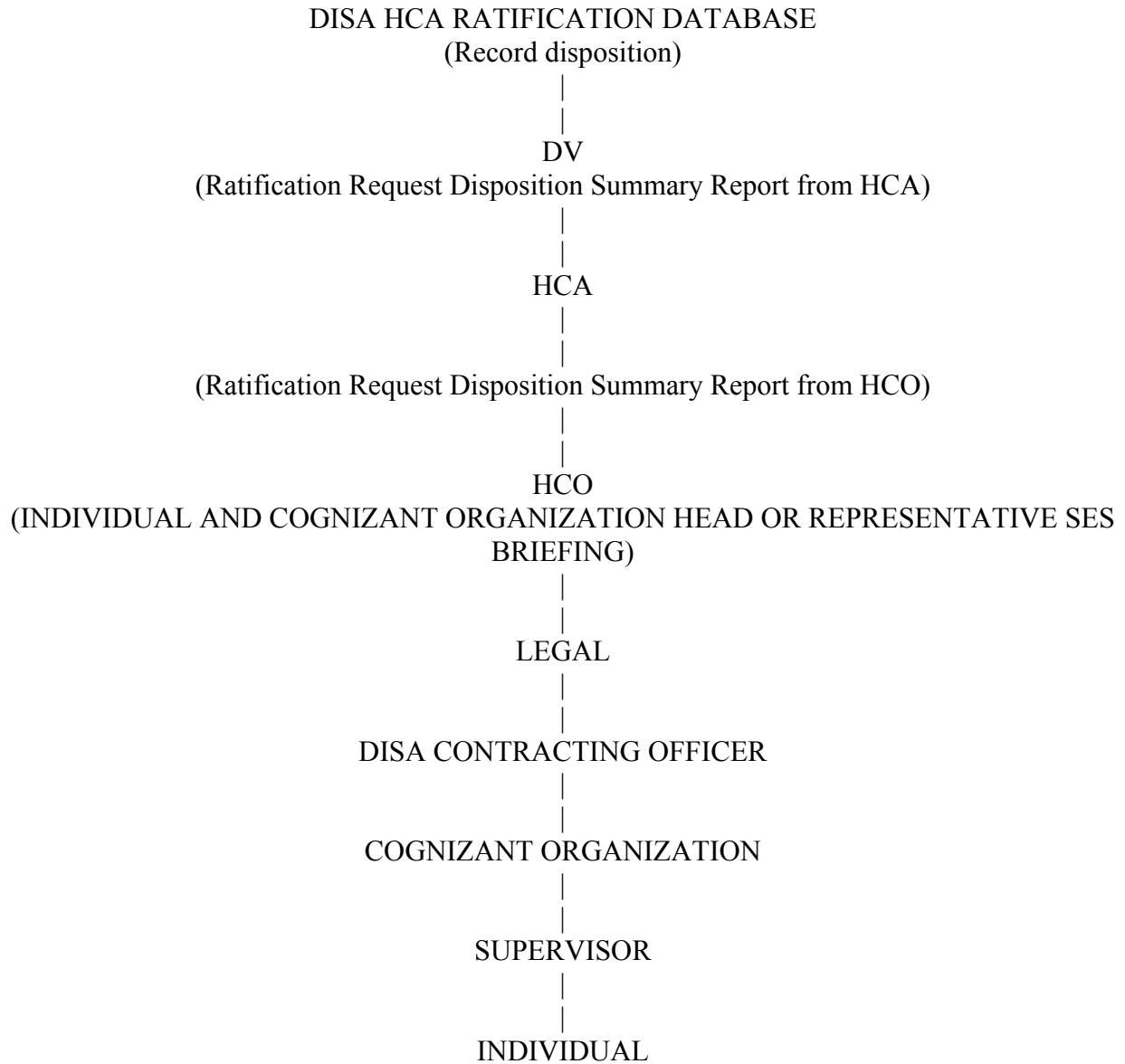
S T A R T

RATIFICATION PROCESS FLOW DIAGRAM
(Non-DISA Personnel Actions Above Simplified Acquisition Threshold)



RATIFICATION PROCESS FLOW DIAGRAM
(Non-DISA Personnel Actions At Or Below Simplified Acquisition Threshold)

E N D



S T A R T

APPENDIX E

DISA Acquisition Policy, Procedures, and Process Development/Administration Recommended Change Submission Form

Originating POC:

Originator Contact Info (Telephone No. & Email):

Originator Organization:

Document: (if applicable)

Section Number/Title:

Change Level:

Major: _____ Significant: _____ Minor: _____ Administrative: _____

Proposed Change: Describe the proposed change (e.g., “delete section XXX;” “revise section XXX;” or “reword section XXX”); **and** if adding a paragraph, paste the text here; **and** if changing text, provide text with line-in/line-out changes.

Rationale: AQ12 will not consider any changes without a rationale or justification. If the change stems from a signed policy memo or other formal document, attach a copy in Microsoft Word format or PDF.

Impact: Explain the impact that effecting or not effecting this change creates.

Notes:

1. Recommended changes submitted via this form shall be processed through the respective HCO, in case of AQ Field Offices, and through a Division Chief if from a non-AQ DISA organization.
2. If there is more than one change, begin each change on a new page. All forms shall be submitted to the AQ12 “AQPolicy” Outlook mailbox as an attachment to an email.